

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE



Three – Year Comprehensive Juvenile Justice and Delinquency Prevention Plan 2014 – 2016

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ABSTRACT

The Nebraska Commission on Law Enforcement and Criminal Justice will focus on program areas: Mental Health Services (20), Data Driven/Evidence based practices, School Programs (27), Diversion (11), School Programs (27), Delinquency prevention (9), Alternatives to Detention (2), and Disproportionate Minority Contact (10). The progress of sub-grantees will be measured by the State of Nebraska by requiring sub-grantees to submit quarterly program reports that provide updated data of the outcomes and measurements. The Nebraska Commission on Law Enforcement and Criminal Justice will utilize its Title II Formula grant funds to improve the juvenile justice system in the State of Nebraska by awarding programs funding that falls under the focus program areas. The award will fund a Juvenile Justice Specialist, a part-time Compliance Monitor, a part-time DMC Coordinator, prevention, intervention, and alternatives to detention programs. Programs in Nebraska will target at-risk youth by demonstrating that their program is data-driven and evidence based to reduce the at-risk youth population. A staff review is conducted with at least three staff members from the Crime Commission among other representatives if needed. Then a Grant Review is facilitated by a group of six people on the Nebraska State Advisory Group which represents the entire Nebraska State Advisory Group. All suggestions are taken to the Nebraska Crime Commission Board Meeting where funding recommendations are finalized. Programs are to be monitored every three years. Any changes in personnel, scope, budget or timeframe are submitted to the Grant Administrators and approved individually.

INTRODUCTION

The Nebraska Crime Commission and Nebraska Coalition for Juvenile Justice (NCJJ) have prepared the following report in conjunction with the Juvenile Justice Institute (JJI) at the University of Nebraska at Omaha (UNO). The Crime Commission and NCJJ contracted with JJI to facilitate a sub-committee of the NCJJ for the purposes of developing Three Year Plan priorities for 2014-2016. The following report provides a discussion of the process used in developing the priorities, supporting data, and final priority recommendations as approved by the NCJJ on March 27, 2015. The format of this report is provided as required by the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Three Year requirements at the request of the Nebraska Crime Commission.

PROCESS

State Plan Sub-Committee

The State Plan Sub-Committee was formed on November 05, 2014, and a contract was developed with Dr. Anne Hobbs with UNO to identify the statewide priorities. The Subcommittee Members are as follows: Dr. Anne Hobbs (UNO), Sara Hoyle (Lancaster County), Monica Miles-Steffens (Probation), Michelle Schindler (SAG Member), Amy Hoffman (Diversion), Derek Jones (DMC Specialist), Cynthia Kennedy (Community-Based Programs), Sandy Thompson (Families Inspiring Families), Elaine Menzel (SAG Vice-Chair), Cassandra Rockwell (SAG Chair), and Vanessa Humaran (JJ Specialist).

The Subcommittee held a conference call on November 12, 2014 to develop an outline to present to the Nebraska Coalition for Juvenile Justice (NCJJ). The NCJJ held their quarterly meeting on December 05, 2014 where the State Plan development outline was presented.

Following the initial conference call the State Plan Subcommittee convened on November 24, 2014, December 12, 2014, January 15, 2015 and February 12, 2015. During the first meeting, the facilitator led the group through an outline of what the development of the Three Year Plan would entail. Tentative focus group dates were presented, and survey questions were discussed for statewide survey. Following meetings focused on determining the top 15 priorities in order to present at focus groups for attendees to vote on. The top 15 priorities were derived from Strategic Plans across Nebraska. The subcommittee then focused on the development of the plan.

System Involved Youth Survey

An effort was made to ensure that system involved youth had a voice in informing the Three Year Plan process. The Chair of the NCJJ conducted listening tours across Nebraska youth detention facilities where a survey was provided to youth, and those results were included in the State Plan.

NEBRASKA'S THREE YEAR PLAN COMPONENTS

1. Structure and Function of the Juvenile Justice System

A. Structure

The intent of the Nebraska juvenile justice system is to provide individualized accountability and treatment for juveniles in a manner consistent with public safety. It is the goal of the Crime Commission, through this plan, to promote a holistic approach to working with youth and their families beginning with prevention, early intervention, and community based services for youth in the system and community based aftercare.

The juvenile justice system in Nebraska is a divided system with both the state and local governments providing services to youth. The following is a synopsis of the major components in the Nebraska Juvenile Justice System:

Law Enforcement: There are four levels of law enforcement coverage in the State of Nebraska: Police Departments, County Sheriff's Departments, Nebraska State Patrol, and The Game and Parks Commission. In 2013, the Nebraska Crime Commission reported 3,544 full time sworn officers across 176 agencies. Budget crisis across all levels of government have significantly impacted law enforcement since the last three year planning period, resulting in unfilled positions or delay in filling positions.

Local police chiefs and officers are hired by the city and are trained at the Law Enforcement Training Center in Grand Island NE with the exception of Lincoln and Omaha Police Departments who operate their own training academies. Sheriffs are elected every four years and are employed by the Nebraska counties. Sheriffs and their staff are also trained at the Law Enforcement Training Center. The Nebraska State Patrol operates through six troop areas statewide and co-locates their training academy at the Law Enforcement Training Center.

All law enforcement officers encounter juveniles in a variety of situations including investigations of abuse/neglect, emergency mental health placements, street contact and arrest. Officers also have contact with out of state runaways and transportation of juveniles. Nebraska has four recognized Native American Tribes, three of which reside on federally designated reservations and operate under their own law enforcement.

Law Enforcement Officers through the Game and Parks Commission have the following responsibilities: Enforcing fishing, hunting, parks and boating laws, hunter education, bow hunter education, boating education, conducting investigative work, and public resource protection.

Diversion: Youth that have committed a minor, often first time, offenses may have the opportunity to participate in a juvenile diversion program. Per state statute, the County Attorney has the discretion to authorize and operate a diversion program. Sixty-two (62) of Nebraska's ninety-three (93) counties currently offer some type of diversion opportunity to youth. Although diversion programs are discretionary and program structure varies by county, Nebraska Revised Statute § 43-260.04 does mandate the following requirements:

A juvenile pretrial diversion program shall:

(1) Be an option available for the county attorney or city attorney based upon his or her determination under this subdivision. The county attorney or city attorney may use the following information:

(a) The juvenile's age;

(b) The nature of the offense and role of the juvenile in the offense;

- (c) The number and nature of previous offenses involving the juvenile;
 - (d) The dangerousness or threat posed by the juvenile to persons or property; or
 - (e) The recommendations of the referring agency, victim, and advocates for the juvenile;
- (2) Permit participation by a juvenile only on a voluntary basis and shall include a juvenile diversion agreement described in section [43-260.06](#);
 - (3) Allow the juvenile to consult with counsel prior to a decision to participate in the program;
 - (4) Be offered to the juvenile when practicable prior to the filing of a juvenile petition or a criminal charge but after the arrest of the juvenile or issuance of a citation to the juvenile if after the arrest or citation a decision has been made by the county attorney or city attorney that the offense will support the filing of a juvenile petition or criminal charges;
 - (5) Provide screening services for use in creating a diversion plan utilizing appropriate services for the juvenile;
 - (6) Result in dismissal of the juvenile petition or criminal charges if the juvenile successfully completes the program;
 - (7) Be designed and operated to further the goals stated in section [43-260.03](#) and comply with sections [43-260.04](#) to [43-260.07](#); and
 - (8) Require information received by the program regarding the juvenile to remain confidential unless a release of information is signed upon admission to the program or is otherwise authorized by law.

The Crime Commission continues to support many diversion programs through grant funding and is mandated by state statute to collect formal data on all diversion programs statewide. JABG funds were utilized to contract with UNO/JJI to create a web-based Juvenile Diversion Case Management System (JDCMS) that is housed on the Nebraska Criminal Justice Information System (NCJIS). This system allows programs to do case management through the system, run reports and submit data to the Crime Commission. It also allows for larger programs with their own case management systems to upload required data.

Probation: The Office of Probation Administration (OPA) is housed within the Judicial Branch. The Administrative Office has an administrator and three deputy administrators who oversee three divisions: Administration and Operations; Community Based Programs and Field Services and Juvenile Services. The Juvenile Services Division is responsible for intake and detention alternatives, investigation, assessment and evaluation, case management and services, placement, reentry, and funding for juveniles. In addition, the Juveniles Services Division is also responsible for juvenile justice priorities, juvenile justice system stakeholders and providers to develop a continuum of services, oversight of Nebraska's statewide Juvenile Detention Alternatives Initiative (JDAI) initiative, implementation of the Cross Over Youth Practice Model, development and recommendations for innovative strategies concerning access to services, disposition options and probation practices related to Juvenile and Restorative Justice and develops, implements and evaluates policy and programming concerning support services for Juveniles. Local probation offices operate through 12 district offices which align with the 12 Judicial Districts. Lincoln and Omaha have separate juvenile specific offices to align with the juvenile court. In all other districts, there are designated and specialized officers to work with juvenile caseloads.

By statute, probation is responsible for intake assessment, that point in which a youth has been arrested by law enforcement and a decision is needed to determine whether the youth should go to secure detention, an alternative placement or can be released pending court. As a part of the JDAI statewide work, the OPA has implemented an updated intake risk assessment instrument which is currently being evaluated by the Juvenile Justice Institute at the University of Nebraska at Omaha.

At the point of pre-adjudication, youth and families can voluntarily agree to engage in services if available. The court can order probation to supervise youth and order probation to pay for out of home placements for youth if deemed necessary. If supervising a pre-adjudicated youth, probation conducts a Nebraska Youth Screen to determine level of supervision and coordinates with the voluntary services put in place.

After adjudication, a judge can order probation to conduct a pre-disposition investigation (PDI). Probation utilizes the NE Youth Screen, the Youth Level of Service/Case Management Inventory (YLS/CMI) and a variety of specific evidence based assessments as necessary to develop the report to the court. Officers are trained to use motivational interviewing during their PDI and supervision work to ensure the best possible outcome for the youth. In conjunction with a PDI, the court may also order additional evaluation(s) as needed, such as substance abuse, mental health, juvenile who sexually harms, etc. These are done by a third party provider and funded by probation.

If a youth is placed on probation by the court for supervision, the youth is classified to a specific level of supervision based on the recommendations from the PDI and a case plan is developed with the officer. The case plan outlines probation conditions as well as programs and/or services the youth will be connected with while on probation. Probation officers run a variety of evidence based cognitive groups such as MRT, EQUIP, and Why Try. Officers also make referrals for treatment and other needed services. Statute allows probation to implement graduated sanctions as part of supervision in lieu of automatic violation. Youth are discharged from probation when they have successfully completed their case plan or have to be revoked by the court.

Due to recent changes in statute, probation supervision now continues when youth are released on reentry status from the Youth Rehabilitation and Treatment Centers (YRTC) in Kearney and Geneva. Officers are engaged with the youth while they are at YRTC, facilitate monthly family team meetings and develop an individualized reentry plan with the youth, family and team. Probation is currently participating as one of five jurisdictions selected by the Council of State Governments (CSG) to focus on recidivism reduction and improved outcomes for youth at the deep end of the system.

Detention: Pre-Disposition Secure and Staff Secure Detention:

Detention and staff secure juvenile facilities are defined in Nebraska Statute sections 83-4,124 to 83-4,134. A Juvenile Detention Facility is defined as an institution operated by a political subdivision or political subdivisions for the secure detention and treatment of persons younger than eighteen years of age, including persons under the jurisdiction of a juvenile court, who are serving a sentence pursuant to a conviction in a county or district court or who are detained while waiting disposition of charges against them. A Juvenile detention facility does not include any institution operated by the department of Correctional Services or Department of Health and Human Services. A Staff secure juvenile facility means a juvenile residential facility operated by a political subdivision (a) which does not include construction designed to physically restrict the movements and activities of juveniles who are in custody in the facility, (b) in which physical restriction of movement or activity of juveniles is provided solely through staff, (c) which may establish reasonable rules restricting ingress to and egress from the facility, and (d) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control

through the use of intensive staff supervision. Staff secure juvenile facility does not include any institution operated by the department of Correctional Services or Health and Human Services.

Nebraska Statue 83-4,124 places Jail Standards Board within the Nebraska Commission on Law Enforcement and Criminal Justice. The policy of the State of Nebraska is that all criminal detention facilities in this state shall conform to certain minimum standards of construction, maintenance, and operation and that all juvenile detention facilities and staff secure juvenile facilities in this state shall conform to certain minimum standards relating to the operation and physical structure of such facilities and the care of, programs for, and discipline of juveniles at such facilities. To further such policy, the Jail Standards Board was created. For administrative and budgetary purposes, the board is housed within the Nebraska Commission on Law Enforcement and Criminal Justice. The board consists of the Director of Correctional Services or, a person appointed by the director to serve in lieu of the director, the State Fire Marshal or his or her designee, and ten appointive members, three of whom shall be from each of the three congressional districts, to be appointed by the Governor. The appointive members of the board shall be appointed from recommendation lists containing at least three names submitted by the Nebraska Association of County Officials, the Nebraska County Sheriffs Association, the Nebraska State Bar Association, and the Police Officers Association of Nebraska. The appointive members of the board shall consist of: (a) Two county commissioners or supervisors; (b) one county sheriff; (c) one municipal police chief; (d) one member of the Nebraska State Bar Association; (e) two lay people; (f) one person who at the time of his or her appointment is serving as an administrator responsible for the operation and maintenance of a juvenile detention facility; (g) one person who at the time of his or her appointment is serving as an administrator responsible for the operation and maintenance of a staff secure juvenile facility; and (h) one person who at the time of his or her appointment is serving as an administrator or jailer responsible for the operation and maintenance of a criminal detention facility having an average daily population of greater than fifty persons.

Nebraska Statue 83-4,126 designates that the Jail Standards Board shall have the authority and responsibility: (a) To develop minimum standards for the construction, maintenance, and operation of criminal detention facilities; (b) To perform other duties as may be necessary to carry out the policy of the state regarding criminal detention facilities, juvenile detention facilities, and staff secure juvenile facilities as stated in sections 83-4,124 to 83-4,134; and (c) Consistent with the purposes and objectives of the Juvenile Services Act, to develop standards for juvenile detention facilities and staff secure juvenile facilities, including, but not limited to, standards for physical facilities, care, programs, and disciplinary procedures, and to develop guidelines pertaining to the operation of such facilities. The Jail Standards Board shall not have authority over or responsibility for correctional facilities that are accredited by a nationally recognized correctional association. A correctional facility that is accredited by a nationally recognized correctional association shall show proof of accreditation annually to the Jail Standards Board. For purposes of this subsection, nationally recognized correctional association includes, but is not limited to, the American Correctional Association or its successor

There are four secure juvenile detention centers in Nebraska, located in Omaha, Lincoln, Madison and Scottsbluff totaling 246 beds. The facility in Scottsbluff is the only Juvenile and Adult co-located facility in the state. Northeast Nebraska Juvenile Services, Inc. in Madison is a private non-profit facility owned by 13 counties in Northeast Nebraska, it has 18 Secure Detention beds and 16 Staff/Shelter beds. Three staff secure facilities are co-located with the secure facilities in Madison, Douglas and Lincoln. The other remaining

Staff Secure facility is a standalone facility operated by Sarpy County (Papillion). Nebraska has state Jail Standards outlined in statute governs the conditions of confinement within juvenile detention centers; juvenile County operated Staff Secure facilities and adult jails. The Jail Standards division is housed within the Nebraska Crime Commission and works closely with the Compliance Monitor in the oversight of facility policy, procedures and compliance.

Courts:

Supreme Court: The Nebraska Supreme Court is the state's highest court. Its decisions are binding on all trial courts, as well as the Court of Appeals. The Supreme Court is composed of a Chief Justice and six Associate Justices representing the six Judicial Districts of the State. The Chief Justice represents the State at large and also serves as the executive head of the Nebraska Judicial Branch.

Court of Appeals: The Nebraska Court of Appeals is the state's intermediate appellate court. There are currently six judges, who sit in panels or divisions of three judges each. The task of the Court of Appeals is to provide the citizens of Nebraska with clear, impartial and timely resolution of appealed orders and judgments as provided by law. The Court of Appeals is generally the first court to hear appeals of judgments and orders in criminal, juvenile, civil, domestic relations and probate matters. In addition, the Court of Appeals has appellate jurisdiction over decisions originating in a number of state administrative boards and agencies. Its determination of an appeal is final unless the Nebraska Supreme Court agrees to hear the matter.

District Courts: Twelve district court judicial districts serve the state's ninety-three counties and fifty-six district court judges serve within these judicial districts. Judges are required to preside at trials before the court and sit as the judge and fact finder in bench trials. Judges must hear and rule on pre-trial discovery motions, pre-trial and trial evidentiary matters, pretrial and trial matters relating to rules on pleadings, practice and procedure before the courts. In matters tried before a jury, a judge must supervise and make rulings on jury selection issues, prepare and deliver proper jury instructions and decide matters which arise during jury deliberations.

Juvenile Courts: Nebraska has three Separate Juvenile Courts; they are located in Douglas, Lancaster, and Sarpy counties. In the remaining counties, juvenile matters are heard in the county courts. Separate juvenile courts are courts of record and handle matters involving neglected, dependent, and delinquent children. The Separate Juvenile Courts also have jurisdiction in certain domestic relations cases where the care, support, or custody of minor children is an issue. The three Separate Juvenile Courts have the same jurisdiction and employ the same procedures as the county courts acting as juvenile courts. Separate Juvenile Court judges now serve in counties having populations of seventy-five thousand or more. There are currently eleven separate juvenile judges sitting in Nebraska's three largest counties: five in Douglas, four in Lancaster and two in Sarpy.

County Courts: There are 59 county judges in 12 county court districts. Jurisdiction of these courts is established by state law which provides that county courts have exclusive original jurisdiction in estate cases, probate matters, guardianship, and conservatorship cases, actions based on a violation of a city or village ordinance, juvenile court matters in counties without a separate juvenile court, adoptions, and eminent domain proceedings. County courts also have concurrent jurisdiction with district courts in certain civil and criminal cases. There are approximately 375 full-time equivalent employment positions in the county court

system in addition to the 59 county judges. At a minimum there is a designated individual in each county who is assigned to act as the clerk of the court or court administrator.

County Attorneys: Nebraska's 93 counties are all serviced by a county attorney. Not all counties employ full time county attorney's; many may serve one or more counties. State statute outlines population guidelines for employment of county attorneys. They are elected at the general election every four years with no term limits. The county attorney prosecutes cases on behalf of the state, makes all filing determinations, and has the discretion to administer diversion programs.

Department of Health and Human Services/Division of Children and Family Services: The Department of Health and Human Services/Children and Family Services is an extensive agency providing a wide array of services/supports to children, family, and adults. One component of the Division of Children and Family Services (CFS) encompasses child welfare and juvenile services. Specifically within CFS they operate the Office of Juvenile Services (OJS) which provides community-based services and programs designed to work with youth who have committed a delinquent or criminal act, and their families. In addition, the OJS operates two 24-hr. facilities known as the Youth Rehabilitation and Treatment Centers (YRTC). These facilities serve youth between the ages of 14-19 who have committed a delinquent offense and for which community-based options have been exhausted. The mission of the YRTCs is to provide individualized supervision, care, accountability and treatment in a manner consistent with public safety. There are two YRTC facilities in Nebraska. The facility for females is located in Geneva, NE and the facility for males is located in Kearney, NE.

Nebraska Correctional Youth Facility: As provided by State Statute 83-905, the Nebraska Department of Correctional Services (NDCS) has oversight and control of the Nebraska Correctional Youth Facility (NCYF). NCYF is a physically secure facility designed to provide confinement, education, and treatment for youthful offenders (males, age 18 and under) who have been committed to the Nebraska Department of Correctional Services. All male offenders sentenced by District Courts of the State of Nebraska are received at the Diagnostic and Evaluation Center (DEC) in Lincoln. After completion of assessment at DEC youthful offenders are immediately transferred to NCYF. In addition to the Special Purpose High School courses, GED, and college classes, NCYF offers programs in the following areas: Vocational Training in Landscaping/Horticulture and Food Service, Religion, Recreation, Life Skills, Victim Impact, Dog Handling, Thinking for a Change, 7 Habits on the Inside, Mentor Partnerships, and The WaY Writing Program. NCYF is accredited by the American Correctional Association.

B. System Flow

The following system point evaluation was developed by the Juvenile Justice Institute (JJI) at the University of Nebraska-Omaha, and has been updated and modified by the State Plan Subcommittee. The tool outlines the twelve (12) decision points as defined by statute.

SYSTEM POINT: LAW ENFORCEMENT CONTACT

PARTY RESPONSIBLE: Police/Law Enforcement

STATUTE REFERENCE: NRS §§ 43-247 (1), (2), (4)
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<i>Decision: Whether an information report should be filed, or what offense, if any, with which juvenile should be cited or arrested.</i>

<i>Decision: Whether to cite or arrest juvenile for juvenile or adult offense.</i>
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<i>Decision: Whether to take juvenile into custody or to cite and release (NRS § 43-248 (1), (2); § 43-250 (1), (2), (3))</i>

<i>Decision: Whether or not to proceed formally</i>

SYSTEM POINT: INITIAL DETENTION

PARTY RESPONSIBLE: State of Nebraska Probation
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STATUTE REFERENCE: NRS § 43-250, § 43-253, § 43-260.01
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<i>Decision: Whether juvenile should be securely detained or released to less restrictive option.</i>

SYSTEM POINT: INITIAL FILING
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PARTY RESPONSIBLE: County Attorney or City Attorney

STATUTE REFERENCE: NRS § 43-274(1), § 43-275, § 43-276
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<i>Decision: Whether to prosecute juvenile.</i>

<i>Decision: Whether youth should be prosecuted as juvenile or adult.</i>

<i>Decision: Offense for which juvenile should be charged.</i>
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SYSTEM POINT: PRE-ADJUDICATION DETENTION

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-253(2)

Decision: Whether juvenile detained at the time of citation/arrest should continue in detention or out-of-home placement pending adjudication.

Decision: Whether juvenile and family should receive voluntary services 43-2, 106.03

SYSTEM POINT: PROBABLE CAUSE HEARING

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-256

Decision: Whether the state can show probable cause exists that a juvenile is within the jurisdiction of the court.

SYSTEM POINT: HEARING

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-258(3)

Decision: Whether juvenile is competent to participate in the proceedings.

Decision: Whether juvenile is “responsible” for his/her acts NRS § 43-258(1(c) and (2))

SYSTEM POINT: ADJUDICATION

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-279 (2) and (3)

Decision: Whether the juvenile is, beyond a reasonable doubt, “a person described by section 43-247.”

Decision: Whether to order probation to conduct a pre-disposition investigation (statutory authority unclear)

Decision: Whether to order an evaluation arranged by Probation NRS § 43-258 § 43-28

Decision: Whether DHHS or Probation will take the lead on dually adjudicated youth

Decision: Whether to order a PDI

SYSTEM POINT: DISPOSITION

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-286 (1)(b)ii)

Decision: Whether to place juvenile on probation NRS § 43-286(1)(a)(i)

Decision: Whether to commit such juvenile to the Office of Juvenile Services for the purpose of YRTC placement NRS § 43-286(1)(b)

Decision: Reentry planning and hearing for reentry after YRTC

SYSTEM POINT: POST ADJUDICATION/ PRE- DISPOSITION

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: 43-281

Decision: Whether to order services and supervision for juvenile pending disposition NRS § 43-281

SYSTEM POINT: ADMINISTRATIVE SANCTIONS

PARTY RESPONSIBLE: Probation

STATUTE REFERENCE: NRS § 43-286.01

Decision: Whether to impose administrative sanctions on a probationer

SYSTEM POINT: MOTION TO REVOKE PROBATION

PARTY RESPONSIBLE: County Attorney

STATUTE REFERENCE: NRS § 43-286(4)(b)(i)

SYSTEM POINT: MODIFICATION/REVOCATION OF PROBATION

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-286(4)(b)(v)

SYSTEM POINT: SEALING JUVENILE RECORD

PARTY RESPONSIBLE: Juvenile Court Judge / County Court Judge

STATUTE REFERENCE: NRS § 43-2,108.01

Decision: Whether juvenile has satisfactorily completed his or her probation and supervision or the treatment program of his or her commitment

Decision: Whether a juvenile's record should be sealed after successfully completing juvenile probation

C. Service Network

The Community-based Juvenile Services Aid Division is a separate and distinct budgetary program within the Nebraska Commission on Law Enforcement and Criminal Justice (Commission). Funding acquired from participation in this program is used to aid in the establishment and provision of community-based services for juveniles who come in contact with the juvenile justice system. Community-based aid funds are allocated in accordance with a formula based on the total number of residents per county who are twelve through eighteen years of age. Funds are predetermined amongst Nebraska counties and tribes that meet the statutory eligibility requirements. There is established within the Commission, the position of Director of the Community-based Juvenile Services Aid Program, appointed by the Executive Director of the Commission. The Director shall have extensive experience in developing and providing community-based services.

Responsibilities of the Director of the Community-based Juvenile Services Aid Program (Reference Nebraska Revised Statute §43-2404.01):

- Provide technical assistance and guidance for the development of comprehensive juvenile services plans;
- Coordinate the review of the Community-based Juvenile Services Aid Program application as provided in section §43-2404.02 and make recommendations for the distribution of funds provided under the Community-based Juvenile Services Aid Program, giving priority to those grant applications funding programs and services that will divert juveniles from the juvenile justice system, impact and effectively treat juveniles within the juvenile justice system, and reduce the juvenile detention population or assist juveniles in transitioning from out-of-home placements to in-home treatments. The Director will ensure that no funds appropriated or distributed under the Community-based Juvenile Services Aid Program are used for purposes prohibited in section §43-2404.02;
- Develop data collection and evaluation protocols, oversee statewide data collection, and generate an annual report on the effectiveness of juvenile services that receive funds from the Community-based Juvenile Services Aid Program;
- Develop relationships and collaborate with juvenile justice system stakeholders, provide education and training as necessary, and serve on boards and committees when approved by the Commission;
- Assist juvenile justice system stakeholders in developing policies and practices that are research-based or standardized and reliable and are implemented with fidelity and which have been researched and demonstrate positive outcomes;
- Develop and coordinate a statewide working group as a subcommittee of the NCJJ to assist in regular strategic planning related to supporting, funding, monitoring, and evaluating the effectiveness of plans and programs receiving funds from the Community-based Juvenile Services Aid Program; and
- Work with the coordinator for the NCJJ in facilitating the NCJJ's obligations under the Community-based Juvenile Services Aid Program.

Regarding the 2014 Community-based Juvenile Services Aid, Evaluation of Funding, (cited by UNO – JJI): Under legislative bill 561, the Nebraska legislature allocated \$5,018,028 to the Community-based Juvenile Services Aid Program. This represented an almost 75% increase in funding available to Nebraska communities. Guidance regarding the use of these funds is outlined in Nebraska Revised Statute, §43-2404.02, which states:

- In distributing funds provided under the Community-based Juvenile Services Aid Program, aid recipients shall prioritize programs and services that will divert juveniles from the juvenile justice system, reduce the population of juveniles in juvenile detention and secure confinement, and assist in transitioning juveniles from out-of-home placements.
- Funds received under the Community-based Juvenile Services Aid Program shall be used exclusively to assist the aid recipient in the implementation and operation of programs or the provision of services identified in the aid recipient's comprehensive juvenile services plan, including programs for local planning and service coordination; screening, assessment, and evaluation; diversion; alternatives to detention; family support services; treatment services; truancy prevention and intervention programs; pilot projects approved by the commission; payment of transportation costs to and from placements, evaluations, or services; personnel when the personnel are aligned with evidence-based treatment principles, programs, or practices; contracting with other state agencies or private organizations that provide evidence-based treatment or programs; preexisting programs that are aligned with evidence-based practices or best practices; and other services that will positively impact juveniles and families in the juvenile justice system.

Counties applied for funding through the Community-based Juvenile Services Aid Application issued by the Commission. In FY 2014, a total of \$5,018,028 will be distributed across 67 counties and 2 Indian tribes in the state of Nebraska.

Another crucial component in the Community-based Juvenile Services Aid Program is the comprehensive juvenile services community plans that are required of applicants and subgrantees to be eligible for funding. To be eligible for participation in either the Commission Grant Program or the Community-based Juvenile Services Aid Program, a comprehensive juvenile services community plan shall be developed, adopted, and submitted to the commission in accordance with the federal act and rules and regulations adopted and promulgated by the commission in consultation with the Director of the Community-based Juvenile Services Aid Program, the Director of Juvenile Diversion Programs, the Office of Probation Administration, and the University of Nebraska at Omaha, Juvenile Justice Institute. Such plan may be developed by eligible applicants for the Commission Grant Program and by individual counties, by multiple counties, by federally recognized or state-recognized Indian tribes, or by any combination of the three for the Community-based Juvenile Services Aid Program. Comprehensive juvenile services community plans shall (Reference Nebraska Revised Statute §43-2404.01):

- Be developed by a comprehensive community team representing juvenile justice system stakeholders;
- Be based on data relevant to juvenile and family issues;

- Identify policies and practices that are research-based or standardized and reliable and are implemented with fidelity and which have been researched and demonstrate positive outcomes;
- Identify clear implementation strategies; and
- Identify how the impact of the program or service will be measured.
- The Community-based Juvenile Services Aid Program is an aid program that is based upon community collaboration and strategized community planning efforts surrounding the field of juvenile justice. Often times, communities prepare a comprehensive juvenile services community plan that is all-encompassing and expands further than juvenile justice. However, we ask each community, receiving funding from the Community-based Juvenile Services Aid Program, to create a distinction in their community plan that outlines the priorities and strategies regarding the field of juvenile justice and how their community intends to address these issues. While this funding program has been in place since the early 2000's, we are encouraged that the Legislature is considering funds for enhancing our evaluation on a statewide level. In the event the Crime Commission receives funding for data collection enhancement capabilities, we intend to set statewide data collection parameters. The Crime Commission intends to collaborate with a variety of experts to evaluate programs and practices which will further support needed services throughout the state of Nebraska. The Community-based Juvenile Services Aid Program will continue to collaborate with the Nebraska Juvenile Justice Specialist for the Office of Juvenile Justice Delinquency Prevention and the Nebraska State Advisory Group, also known as the Nebraska Coalition for Juvenile Justice.

Population

According to the 2010 Census, 1,826,341 people lived in the State of Nebraska showing a steady increase over the past four decades. However, this table also shows a steady decline of rural population. The urban population is concentrated in the three largest eastern counties of Douglas, Sarpy and Lancaster. This population shift puts a significant strain on access to services in rural areas. The Total population for 2014 was shown at 1,881,503

Table 1.0 Nebraska Population			
Year	Rural *	Urban *	Total
1980	799,868	769,957	1,569,825
1990	751,172	827,213	1,578,385
2000	768,760	942,503	1,711,263
2010	754,973	1,071,368	1,826,341
2014	NA	NA	1,881,503

Source: Nebraska Department of Economic Development Fact Sheet, 2013

Table 2.0 Nebraska Juvenile Population by Race					
Year	White	Black	American Indian	Asian	Total
2000	192,421	12,084	3,064	2,941	210,510
2001	191,041	12,393	3,222	3,011	209,667
2002	189,832	12,746	3,356	3,137	209,071
2003	187,701	13,049	3,470	3,245	207,465
2004	185,551	13,367	3,632	3,414	205,964
2005	183,920	13,189	3,648	3,492	204,249
2006	181,966	13,836	3,728	3,641	203,171
2007	180,349	14,043	3,833	3,837	202,062
2008	177,364	14,289	3,950	4,080	199,683
2009	176,178	14,532	3,990	4,183	198,883
2010	175,499	14,537	4,108	4,455	198,599
2011	175,543	14,659	4,187	4,748	199,137
2012	175,960	14,664	4,227	4,986	199,837
2013	176,906	14,818	4,328	5,240	201,292

Table 2.1
Nebraska Juvenile Population by Sex

Year	Male	Female	Total
2000	108,101	102,409	210,510
2001	107,639	102,028	209,667
2002	106,394	101,677	208,071
2003	106,544	100,921	207,465
2004	105,798	100,166	205,964
2005	105,061	99,565	204,626
2006	104,428	98,743	203,171
2007	103,611	98,451	202,062
2008	102,360	97,323	199,683
2009	101,810	97,073	198,883
2010	101,691	96,908	198,599
2011	101,836	97,301	199,137
2012	102,245	97,592	199,837
2013	102,841	98,451	201,292

Table 2.2
**Nebraska Juvenile Population by
Ethnicity**

Year	Non-Hispanic	Hispanic	Total
2000	196,897	13,613	210,510
2001	194,959	14,708	209,667
2002	192,934	16,137	209,071
2003	189,968	17,497	207,465
2004	187,144	18,820	205,964
2005	184,683	19,943	204,626
2006	181,992	21,179	203,171
2007	179,470	22,592	202,062
2008	175,949	23,734	199,683
2009	173,716	25,167	198,883
2010	172,018	26,581	198,599
2011	171,602	27,535	199,137
2012	171,195	28,642	199,837
2013	171,518	29,774	201,292

Source: http://ojjdp.gov/ojstatbb/ezapop/asp/profile_selection.asp

Arrest Data from Nebraska Commission on Law Enforcement and Criminal Justice Website:

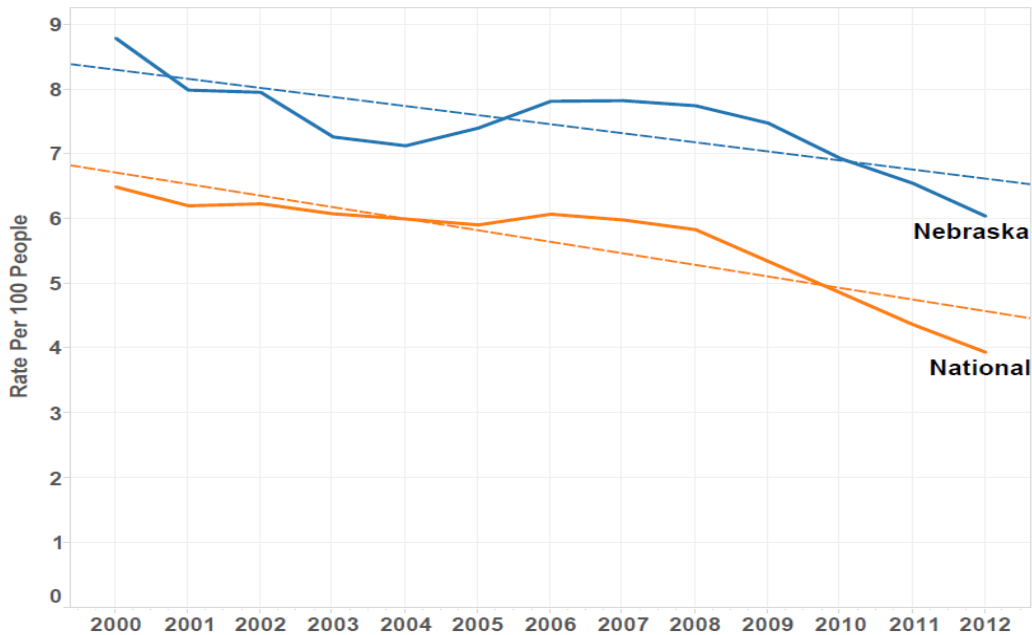
http://www.ncc.state.ne.us/statistics/data_search/arrest/arrest_crosstab.phtml

*Arrest rates describe the number of arrests reported per 100,000 persons within the population. Arrest rates account for fluctuations in population.

Table 2.3 Nebraska vs. National Arrest Rates

Juveniles 10 – 17

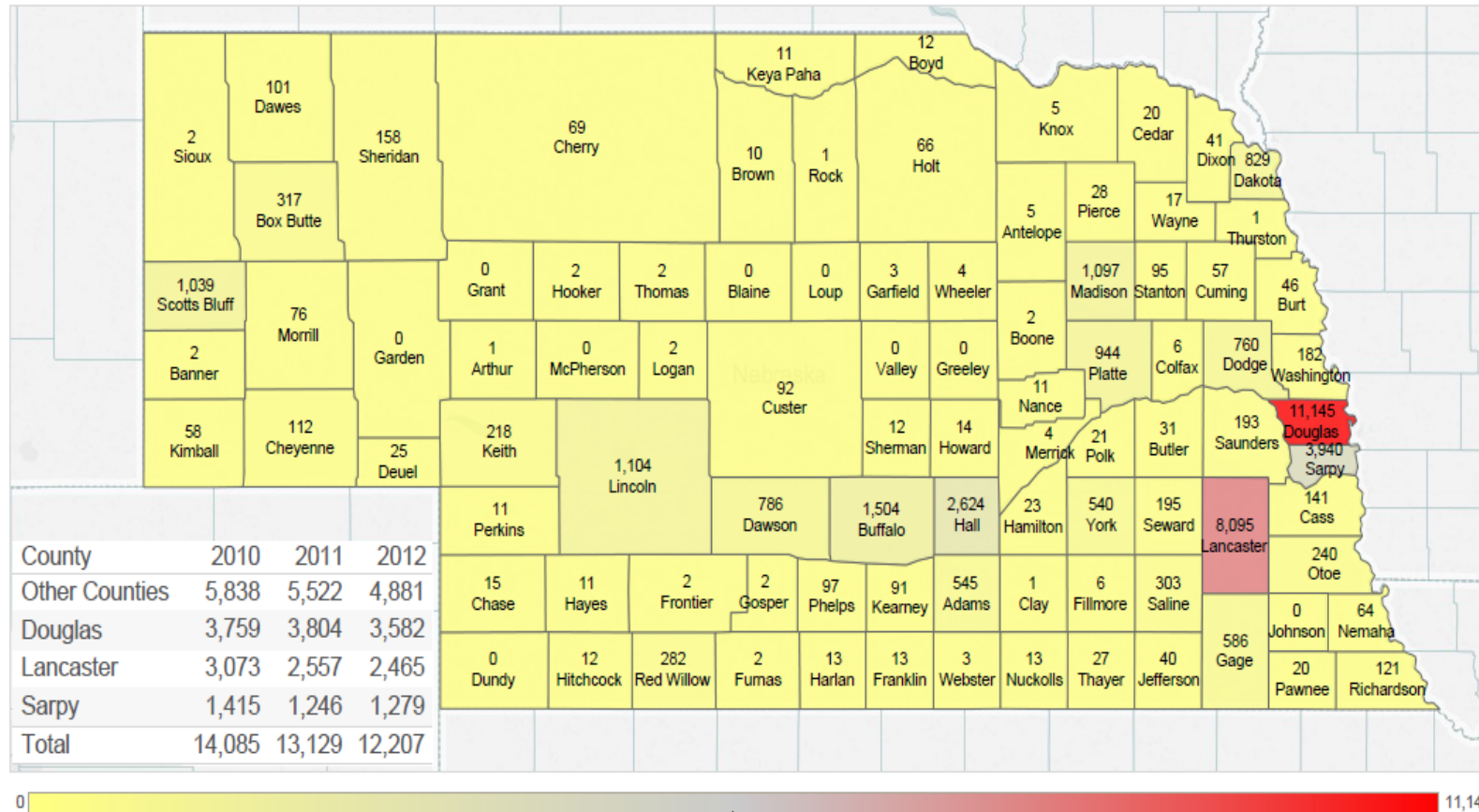
	Arrests	Arrest Rate*	National Arrest Rate**
2000	18,504	8.8	6.5
2001	16,748	8.0	6.2
2002	16,629	8.0	6.2
2003	15,071	7.3	6.1
2004	14,682	7.1	6.0
2005	15,147	7.4	5.9
2006	15,879	7.8	6.1
2007	15,812	7.8	6.0
2008	15,468	7.7	5.8
2009	14,872	7.5	5.3
2010	13,764	6.9	4.9
2011	13,038	6.5	4.4
2012	12,073	6.0	3.9



Population Source: Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Available: <http://www.ojdo.gov/ojs-tatbb/ezapop/> | National Rates Source: National Center for Juvenile Justice (December 16, 2014). Juvenile Arrest Rates by Offense, Sex, and Race | Nebraska Arrest Data Source: Nebraska Commission on Law Enforcement and Criminal Justice.

Figure 2.4

NEBRASKA JUVENILE ARRESTS BY COUNTY Juveniles 0-17 Years of Age (2010-2012)



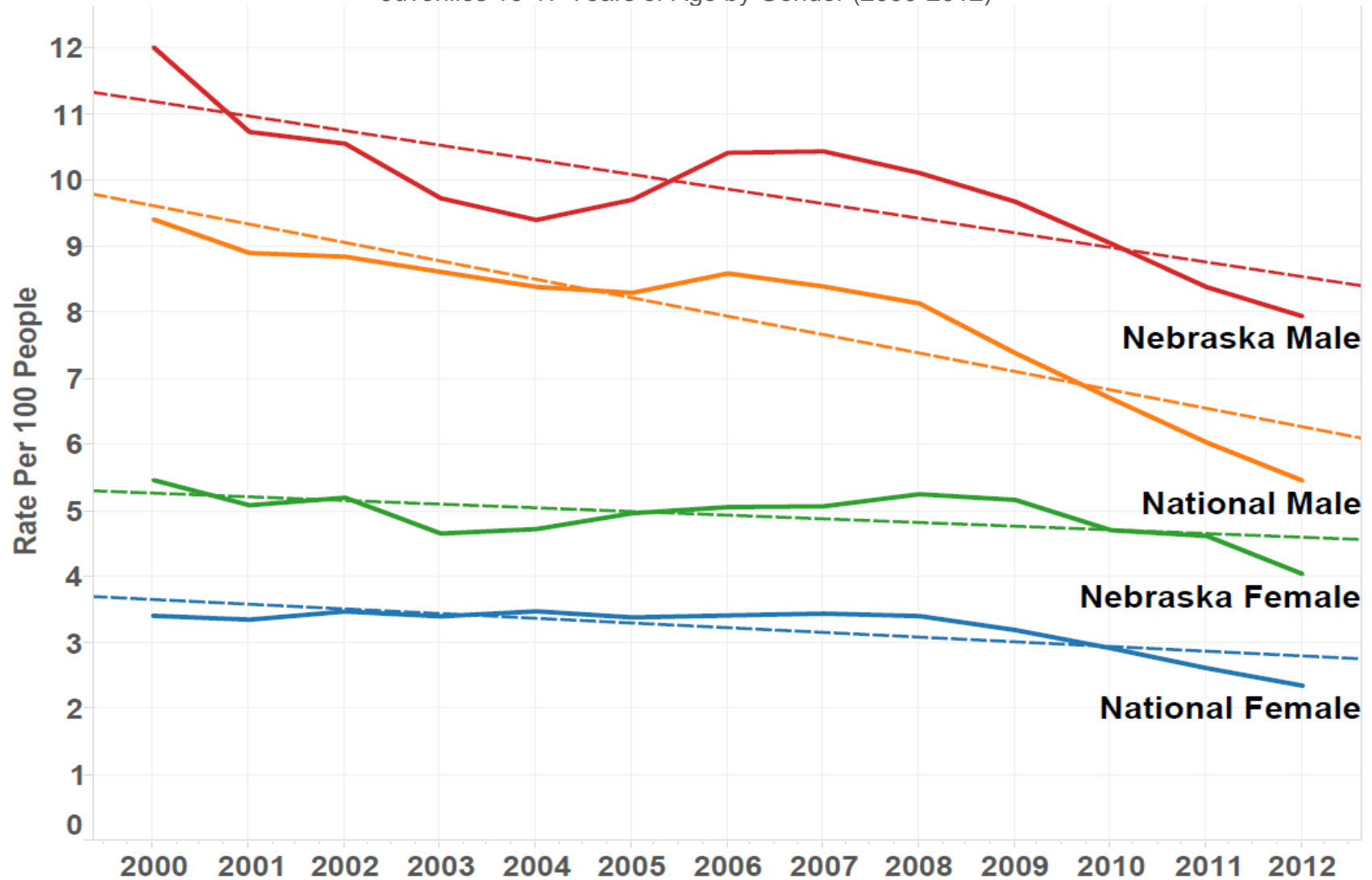
**Table 2.5 Nebraska vs. National
Arrest Rates by Gender**

	Juvenile Male			Juvenile Female		
	Arrests	Arrest Rate*	USA Arrest Rate**	Arrests	Arrest Rate*	USA Arrest Rate**
2000	12,997	12.0	9.4	5,597	5.5	3.4
2001	11,560	10.7	8.9	5,188	5.1	3.4
2002	11,343	10.6	8.8	5,286	5.2	3.5
2003	10,372	9.7	8.6	4,699	4.7	3.4
2004	9,951	9.4	8.4	4,731	4.7	3.5
2005	10,205	9.7	8.3	4,942	5.0	3.4
2006	10,886	10.4	8.6	4,993	5.1	3.4
2007	10,822	10.4	8.4	4,990	5.1	3.4
2008	10,357	10.1	8.1	5,111	5.3	3.4
2009	9,858	9.7	7.4	5,014	5.2	3.2
2010	9,203	9.0	6.0	4,561	4.7	2.9
2011	8,543	8.4	6.0	4,495	4.6	2.6
2012	8,126	7.9	5.5	3,947	4.0	2.4

Population Source: Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Available: <http://www.ojjdp.gov/ojstatbb/ezapop/> | National Rates Source: National Center for Juvenile Justice (December 16, 2014). Juvenile Arrest Rates by Offense, Sex, and Race | Nebraska Arrest
Data Source: Nebraska Commission on Law Enforcement and Criminal Justice.

NEBRASKA VERSUS NATIONAL ARREST RATES

Juveniles 10-17 Years of Age by Gender (2000-2012)



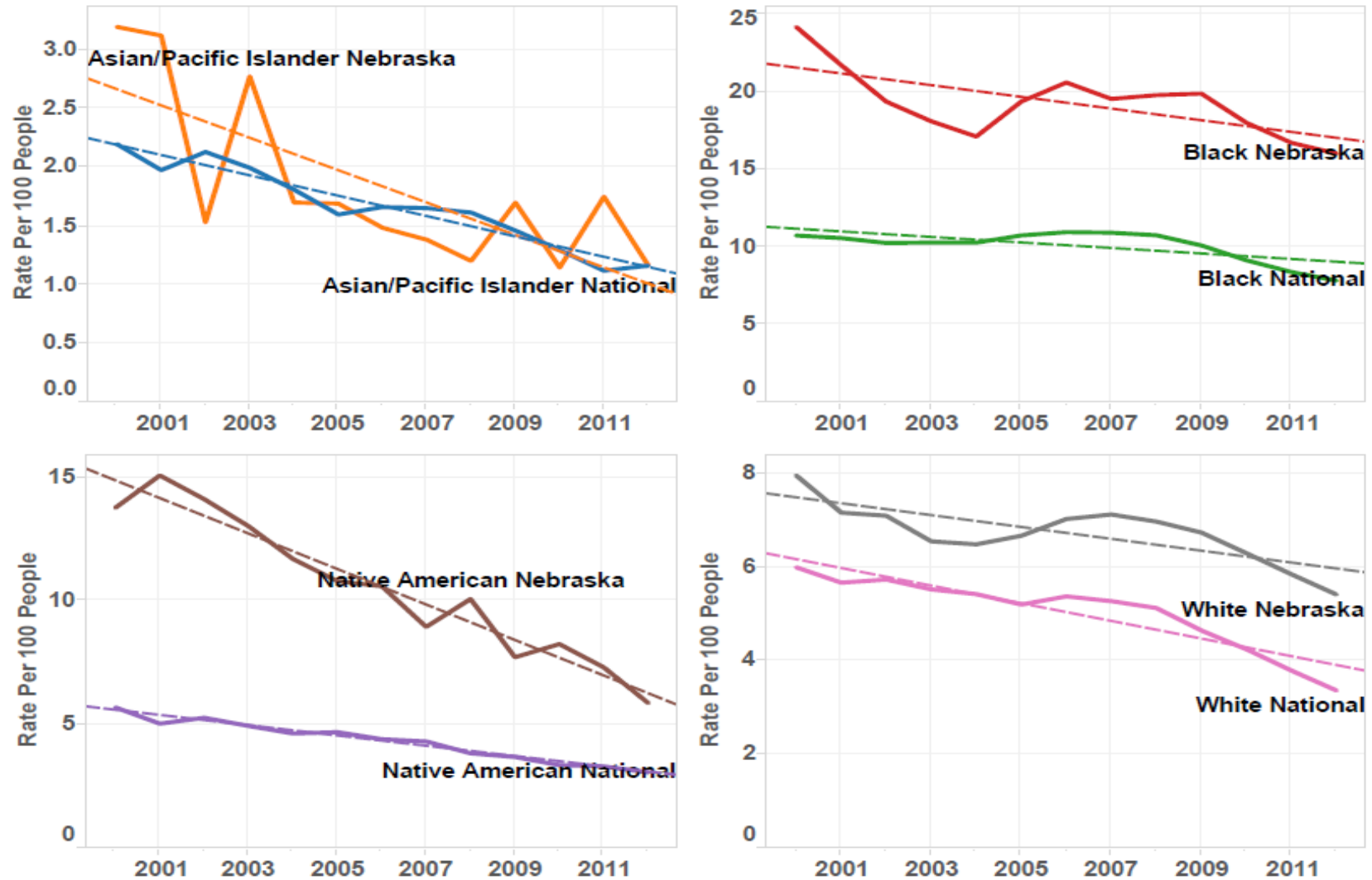
Population Source: Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Available: <http://www.ojjdp.gov/ojs-tatbb/ezapop/> | National Rates Source: National Center for Juvenile Justice (December 16, 2014). Juvenile Arrest Rates by Offense, Sex, and Race | Nebraska Arrest Data Source: Nebraska Commission on Law Enforcement and Criminal Justice.

Table 2.6 Nebraska vs. National Juvenile Arrest Rates by Race and Ethnicity

	White			Black			Native American			Asian/Pacific Islander			Hispanic		
	Arrests	Arrest Rate*	USA Arrest Rate**	Arrests	Arrest Rate*	USA Arrest Rate**	Arrests	Arrest Rate*	USA Arrest Rate**	Arrests	Arrest Rate*	USA Arrest Rate**	Arrests	Arrest Rate*	USA Arrest Rate**
2000	15,310	8.0	6.0	2,926	24.2	10.7	422	13.8	5.7	94	3.2	2.2	626	4.6	NA
2001	13,682	7.2	5.7	2,694	21.7	10.6	486	15.1	5.0	94	3.1	2.0	134	9.0	NA
2002	13,468	7.1	5.7	2,471	19.4	10.3	474	14.1	5.3	48	1.5	2.1	1,191	7.6	NA
2003	12,291	6.5	5.5	2,364	18.1	10.3	452	13.0	4.9	90	2.8	2.0	1,173	7.0	NA
2004	12,032	6.5	5.4	2,290	17.1	10.3	425	11.7	4.6	58	1.7	1.8	1,430	8.1	NA
2005	12,264	6.7	5.2	2,631	19.4	10.7	394	10.8	4.7	59	1.7	1.6	1,450	7.8	NA
2006	12,784	7.0	5.4	2,853	20.6	11.0	395	10.6	4.4	54	1.5	1.7	1,705	8.8	NA
2007	12,844	7.1	5.3	2,747	19.6	10.9	343	8.9	4.3	53	1.4	1.7	1,786	8.8	NA
2008	12,364	7.0	5.1	2,830	19.8	10.8	398	10.1	3.8	49	1.2	1.6	2,092	9.9	NA
2009	11,868	6.7	4.6	2,892	18.9	10.1	308	7.7	3.7	71	1.7	1.5	1,864	8.3	NA
2010	11,047	6.3	4.2	2,620	18.0	9.1	339	8.3	3.3	51	1.1	1.3	NA	NA	NA
2011	10,260	5.8	3.8	2,452	16.7	8.4	306	7.3	3.3	83	1.7	1.1	NA	NA	NA
2012	9,523	5.4	3.4	2,351	16.0	7.8	248	5.9	3.1	58	1.2	1.2	NA	NA	NA

Population Source: Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Available: <http://www.ojjdp.gov/ojstatbb/ezapop/> | National Rates Source: National Center for Juvenile Justice (December 16, 2014). Juvenile Arrest Rates by Offense, Sex, and Race | Nebraska Arrest Data Source: Nebraska Commission on Law Enforcement and Criminal Justice

Table 2.7 Nebraska vs. National Juvenile Arrest Rates by Race



Population Source: Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Available: <http://www.ojdp.gov/ojs-tatbb/ezapop/> | National Rates Source: National Center for Juvenile Justice (December 16, 2014). Juvenile Arrest Rates by Offense, Sex, and Race | Nebraska Arrest Data Source: Nebraska Commission on Law Enforcement and Criminal Justice. |

Table 2.8 Juvenile Court Referrals by Severity of Reason Referred

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2012	2013
Major Offense	4,362	4,073	4,771	4,899	4,596	4,695	5,033	4,918	5,068	1,359	5,406	4,874
Minor-Status	1,646	1,678	2,043	2,037	1,951	2,021	2,091	2,205	2,388	512	1,631	1,711
Non Offense	494	612	528	579	745	932	836	757	789	373	610	654
Other	3	13	11	19	235	913	888	846	934	5,677	576	560
Total	6,505	6,376	7,353	7,534	7,527	8,561	8,848	8,726	9,179	7,921	8,223	7,799

Figure 2.8

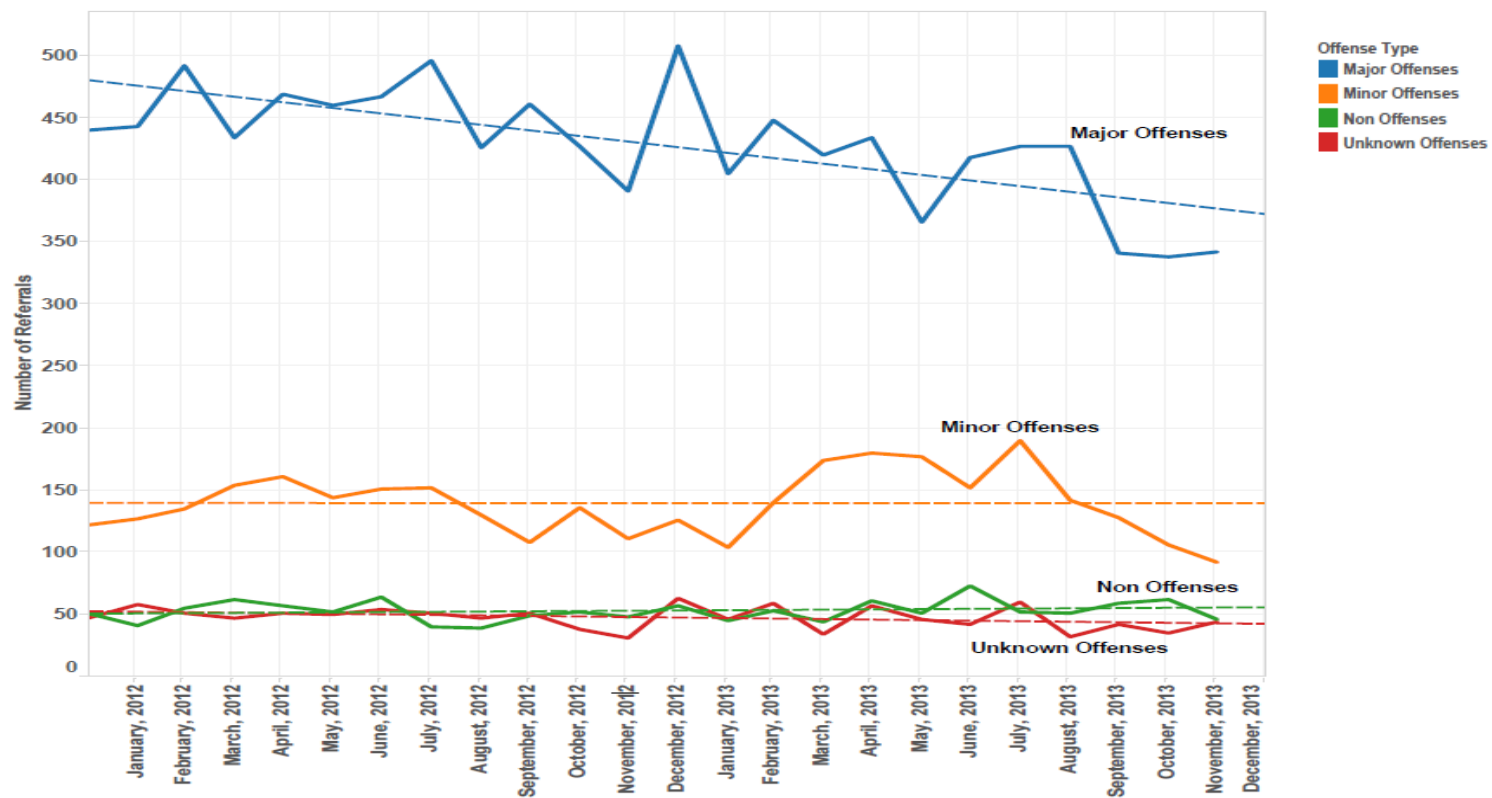


Table 2.90 Juvenile Probation by Gender

Juveniles Placed On Probation	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Males	2,495	2,234	2,275	1,069	1,082	2,285	2,141	1,926	1,977	2,808	3,331	3,881
Females	1,156	1,074	1,057	2,273	2,363	1,044	1,032	979	1,099	1,570	1,788	2,116
TOTAL*	3,651	3,308	3,332	3,342	3,445	3,329	3,173	2,905	3,076	4,378	5,119	5,997

Table 2.91 Juvenile Probation by Race/Ethnicity

Juveniles Placed on Probation by Race/Ethnicity	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Native American	113	98	100	75	79	98	67	71	82	124	154	192
Asian	39	20	23	31	21	26	27	29	31	34	46	63
Black	454	403	388	477	503	446	485	448	462	738	906	1,114
Hispanic	434	469	466	535	559	613	563	586	673	963	1,194	1,349
White	2,611	2,318	2,355	2,204	2,278	2,136	2,017	1,745	1,807	2,486	2,755	3,169
Unknown	NA	NA	NA	20	5	10	14	26	21	33	64	110
TOTAL*	3651	3308	3332	3,342	3,445	3329	3173	2,905	3,076	4,378	5,119	5,997

* Total numbers for 2003-2011 include age ranges 7 – 22

* Total numbers for 2012-2014 include ages 10-17

Table 2.92 Juvenile Probation by Age

Juveniles Placed on Probation by Age	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
19 years	1	1	3	1	2	2	0	1	2	7	7	4
18 years	226	210	252	235	293	254	246	249	246	254	266	326
17 Years	900	785	880	847	869	906	867	804	882	1,160	1,282	1,474
16 Years	822	777	761	831	860	811	765	736	798	1,132	1,374	1,692
15 Years	712	666	628	652	682	640	646	497	532	809	1,004	1,180
14 Years	446	412	414	395	420	371	365	330	342	551	645	719
13 Years	267	232	251	249	192	209	182	186	174	291	356	392
12 Years	102	96	95	88	79	88	69	67	67	121	132	150
11 Years	44	31	26	27	24	30	20	28	17	25	29	40
10 Years	18	19	14	9	15	13	7	2	9	16	15	14
9 Years	6	4	3	3	5	2	3	2	4	6	3	3
8 Years	3	1	1	1	1	0	1	1	1	2	2	0
Unknown	10	6	4	4	3	3	2	2	2	0	0	0
TOTAL	3,557	3,240	3,332	3,342	3,445	3,329	3,173	2,905	3,076	4,374	5,115	5,994

Table 2.93 Probation Top 10 Juvenile Offenses*

Year	2003	2004	2005	2006	2007	2008	2009	2010*	2011	2012	2013	2014
Liquor Violations (includes MIP)	761	636	646	662	747	782	687	560	511	346	323	300
Obstructing the Police	NA	NA	NA	NA	NA	NA	NA	NA	NA	104	113	139
Other (includes truancy, uncontrollable & endangerment to self and others)	610	432	437	NA	NA	NA	NA	NA	NA	621	918	1,343
Larceny	450	400	331	309	325	360	416	387	355	787	1,073	1,055
Assault	438	402	410	458	481	434	445	423	378	544	676	922
Dangerous Drugs	340	320	316	280	330	344	331	394	424	589	569	691
Traffic Offenses (excludes DUI)	270	304	338	310	276	281	249	129	75	163	165	145
Public Peace (includes disturbing the peace & curfew violations)	268	282	311	331	431	397	356	270	212	264	282	275
Invasion of Privacy	NA	NA	NA	NA	NA	NA	NA	NA	NA	122	84	61
Damaged Property	124	110	100	110	112	117	109	NA	NA	340	282	293

*Data from Office of Probation Administration.

Risk Level	2012	2013	2002
<i>JCBR</i>	3,218	3,371	3,479
<i>JCBI</i>	1,122	1,613	2,256
<i>Administrative Status</i>	33	39	43
<i>Other</i>	5	96	219
<i>Total</i>	4,378	5,119	5,997
<i>% JCBI</i>	26%	32%	38%

**Data from Office of Probation*

The Risk Level of a youth on probation is determined through an assessment process that includes the YLS/CMI and other assessments as necessary. JCBI is the high risk classification for youth on probation and JCBR are the lower risk classification. With the implementation of LB561 and 464, probation has seen an increase in the youth on probation in general and higher risk youth being placed on probation.

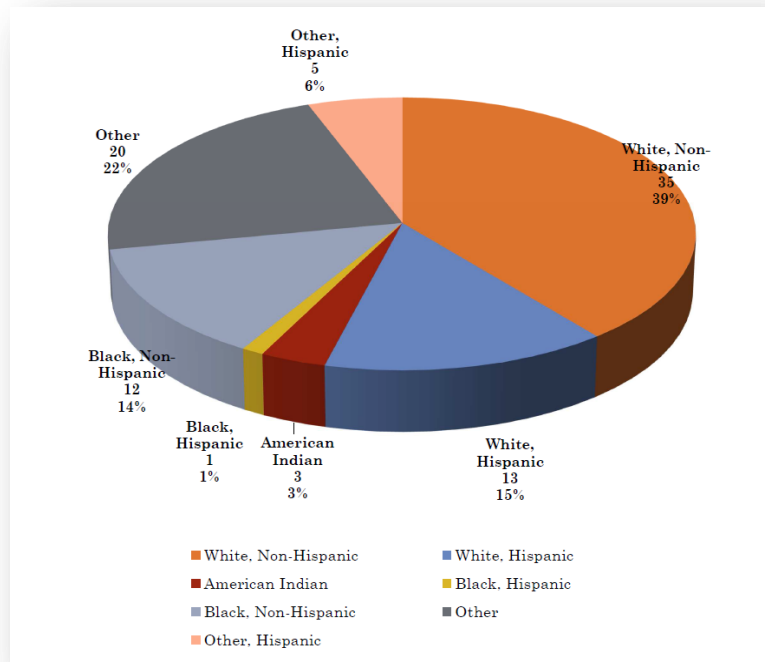
Table 3.0 Nebraska Juvenile Court Dispositions

Disposition	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2012	2013	Totals
<i>Waived to Major Court</i>	4	1	3	7	0	3	6	7	4	7	1	2	445
<i>Dismissed-Unsubstantiated</i>	1532	1360	1428	1440	1275	1383	1861	1606	1725	1989	717	537	16,853
<i>Other-Substantiated</i>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	894	798	1,692
<i>Dismissed-Warned</i>	253	401	546	619	512	769	745	839	1009	1043	861	877	8,474
<i>Held Open without further action</i>	11	11	9	7	12	3	3	6	2	3	1	2	70
<i>Formal Probation</i>	3439	2841	3574	3623	3471	3561	3385	3582	3554	3370	2020	2193	38,613
<i>Referred to Other Agency or Individual</i>	354	451	460	661	894	1538	1520	1498	1897	1840	1060	779	12,952
<i>Runaway Returned</i>	5	10	7	7	5	2	1	2	2	5	1	1	46
<i>Fine or Restitution</i>	105	113	154	170	152	223	248	195	205	138	140	83	1703
<i>Transferred-YRTC</i>	329	245	287	293	301	309	366	415	359	349	154	111	3253
<i>Transferred-Public Agency</i>	1091	1243	1205	1018	1320	1792	1589	1431	1138	1102	167	151	13,247
<i>Transfer-Private Agency</i>	8	17	26	15	19	19	12	14	15	12	27	9	193
<i>Transfer-Individual</i>	13	11	14	28	19	18	17	10	16	18	2	5	171
<i>Transfer-Other</i>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	52	58	110
<i>Other/Unknown</i>	691	962	989	1108	1274	1755	1764	1777	2034	1751	2129	2197	18,431
Totals	7,835	7,666	8,702	8,996	9,254	11,375	11,517	11,382	11,960	11,627	8,226	7,803	100314

Source: Nebraska Crime Commission, http://www.ncc.state.ne.us/statistics/data_search/jcr/jcrosstab.phtml

Table 4.1 YRTC GENEVA (female facility) DATA

Fiscal Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Average Daily Population	92	98	93	95	90	90	75	71	73	75	81	81	62	59
Average Length of Stay (days)	214	244	284	275	305	275	225	219	231	229	208	198	201	211
Recidivism Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9.79%	9.03%	23.08%	6.06%
Total Admissions	159	151	118	132	123	132	127	153	114	143	140	140	110	89

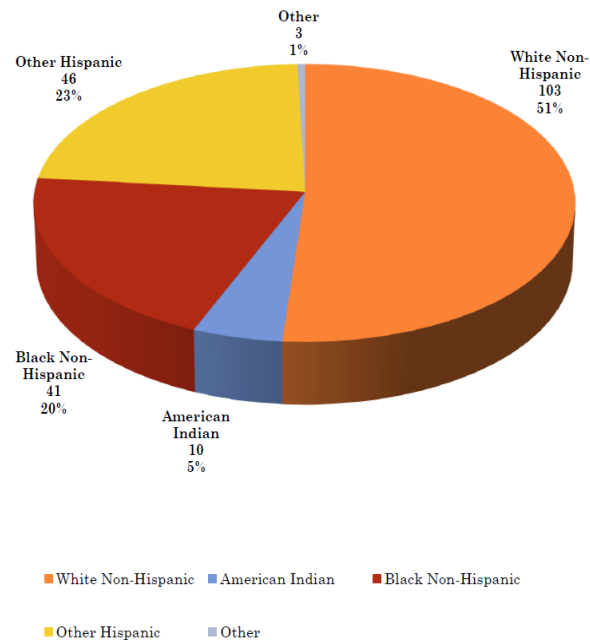


Offense	Total
Assault	31
Criminal Impersonation	1
Criminal Mischief	3
Disorderly Conduct	2
Disturbing the Peace	6
False Information	2
Huffing	1
Obstructing a Police Officer	2
Possession of Drug Paraphernalia	1
Possession of Drugs	7
Probation Violation	3
Resisting Arrest	1
Shoplifting	5
Theft	16
Trespass	2
Unauthorized Use of a Vehicle	3
Vandalism	3
Total	89

Department of Health and Human Services, http://dhhs.ne.gov/children_family_services/Pages/jus_reports.aspx
 (Graphs reflect 2013 numbers)

Table 4.2 YRTC KEARNEY (male facility) DATA

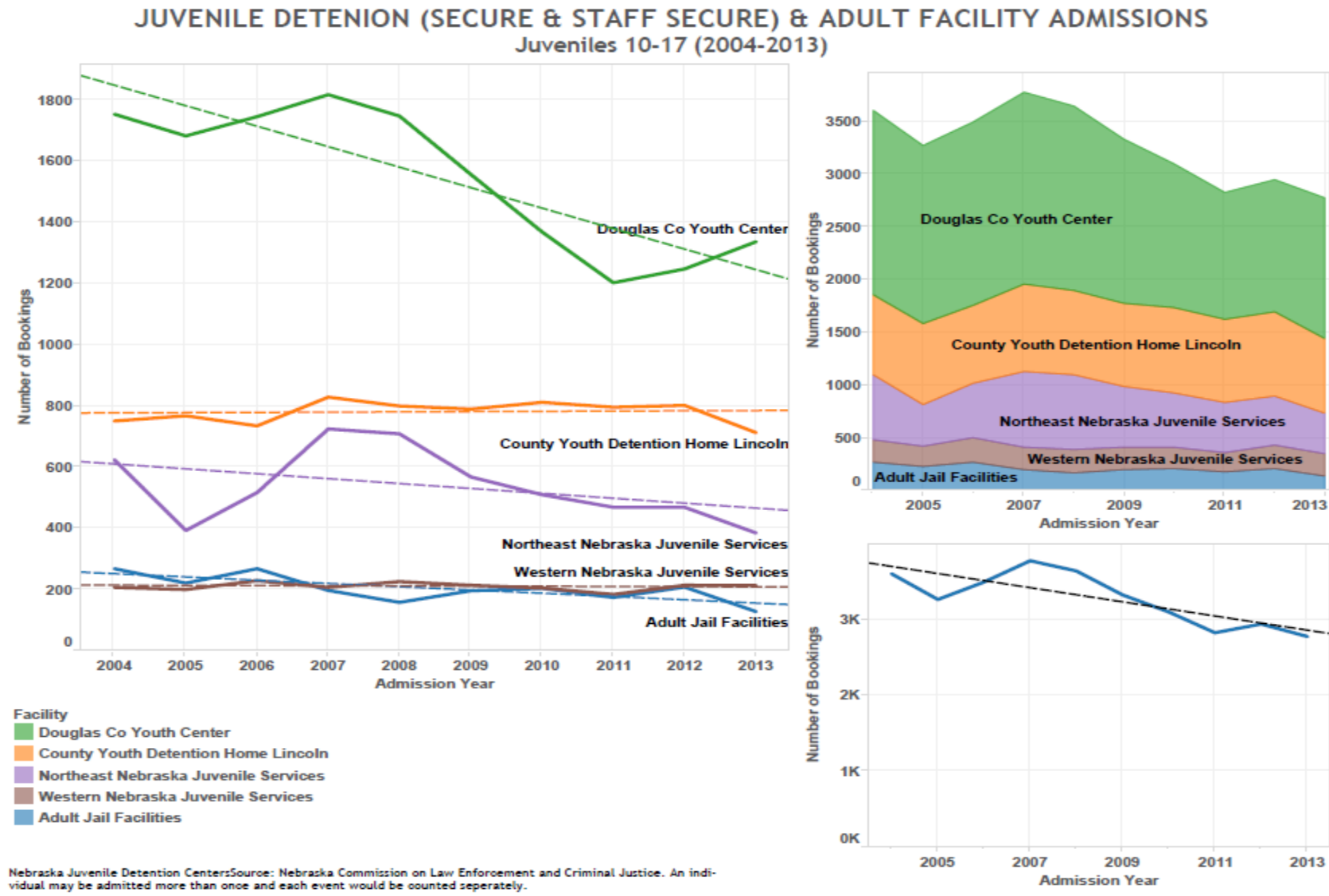
Fiscal Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Average Daily Population	223	249	230	192	187	189	192	170	169	151	147	160	142	111
Average Length of Stay (days)	147	153	170	162	180	209	211	172	167	160	147	154	168	204
Recidivism Rate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	29%	27%	22%	17%
Total Admissions	790	740	604	502	467	419	401	466	489	449	449	425	350	203



Offense	Total
Aiding & Abetting	1
Assault	59
Auto Theft	9
Burglary	20
Concealed Weapon	3
Contributing to the Delinquency of a Minor	2
Criminal Impersonation	1
Criminal Mischief	17
Distribution of Drugs	1
Disturbing the Peace	9
Escape	1
Failure to Comply	1
False Information	1
Obstructing a Police Officer	1
Possession of Drugs	25
Possession of a Firearm	2
Probation Violation	2
Robbery	4
Sexual Assault	6
Shoplifting	1
Terroristic Threats	3
Theft	28
Trespass	5
Unauthorized use of Vehicle	1
Total	203

Source: Department of Health and Human Services, http://dhhs.ne.gov/children_family_services/Pages/jus_reports.aspx
 (Graphs reflect 2013 numbers)

Table 5.0 Juveniles Held in Secure Juvenile Detention Facilities



Additional Supporting Data

Alternatives to Detention

Nebraska has been participating as a Juvenile Detention Alternatives Initiative (JDAI) site with the support of the Annie E. Casey Foundation since 2011. Douglas County was the first local site starting in 2012 and Sarpy County was added in 2013. Since the beginning of the work in both sites, numbers in both the Douglas County Youth Center (DCYC) and the Sarpy County Juvenile Justice Center (JJC) have steadily declined. The DCYC now has an average daily population of 100. This is significant considering their capacity is 144 and when they began JDAI the facility averaged closer to 200 youth. The JJC reported an average daily population of 10 on their most recent report to the foundation. Their capacity is 25 and in the last several months of 2014 their average daily population was under 10.

Both sites have begun implementation of a continuum of detention alternatives; however defining and collecting data has been a challenge. The sites are currently working together (as they are neighboring metro counties) to develop common definitions and data points. Both sites have the following continuum of alternatives: home with restriction (such as curfew); tracker services, electronic monitoring services, and shelter.

The Office of Probation Administration is also committed to statewide detention alternatives. Due to changes in statute, local communities are responsible for development and funding of alternatives for youth not currently in the juvenile justice system (i.e. brand new law violator). Probation is responsible for development and funding of alternatives for youth under probations purview. In 2014, probation developed capacity for each judicial district to have access to tracker and electronic monitoring services. This was the first time that these services were available on a statewide basis to all probation youth needing access to this type of alternative. Probation has been tracking the Intake Risk Assessment data, and the state is still experiencing a high rate of overrides. One of the areas for override is the parent not willing to take the youth home or youth refusing to go home. Nebraska has six behavioral health regions that probation has begun work with to develop a crisis intervention service to try to assist in these situations where a youth is not eligible for detention and could go home if the family could get some mediation/support. One of the behavioral health regions already has this service in place, so probation is currently working to expand this service statewide in 2015.

Diversion

Nebraska's sixty-two diversion programs provide significant early intervention to deter youth from further penetration into the system. Statewide data is now available through the Juvenile Diversion Case Management System (JDCMS), a web based case management system developed in partnership between the Crime Commission, UNO/JJI and UNO/IS&T.

JDCMS has a very high percentage of missing data, inhibiting a thorough examination of this point in the system. In 2012 particularly, a transition from an Access based system to the current JDCMS system resulted in a gap of missing data regarding success rates and case completion. At the time of writing this plan, the 2014 data may have a higher number of open cases and missing success and completion data. We were unable to determine whether minority youth were *offered*

diversion at a different rate than White youth because data is not collected (statewide) on the number of youth that were eligible for diversion. Available data did indicate that approximately 85% of youth referred to diversion participated at least *minimally* in diversion, by setting up the first appointment. The remaining 15% likely refused to participate, were denied admission by the diversion program, the county or city attorney withdrew the referral, or the youth moved away.

The most common offenses referred to diversion included alcohol-related violations and shoplifting. Possession of narcotic equipment/paraphernalia, followed by assault and criminal mischief were the next three most common referred offenses.

Sixty-three percent of youth referred to diversion were successful, which indicates that many were pushed back into the court system. White youth were significantly overrepresented in successful outcomes, while Native American youth were significantly underrepresented.

Characteristics of the Population

Missing data made it impossible to analyze how certain factors such as prior referral to diversion and prior law contacts influenced enrollment or participation in diversion. However, we are able to examine race and ethnicity.

A total of 9,226 youth (ages 7-17) were referred to a diversion program in Nebraska during calendar years 2012 through 2014 (Table 1). The ages of youth referred to diversion outside the 7-17 age range were filtered out for purposes of this report.

Table 1: Youth Referred to Juvenile Diversion by Age

Age	Number of Youth Referred 2012-2014	Percent of Youth Referred 2012-2014
10 and Under	84	0.91%
11	115	1.25%
12	334	3.62%
13	707	7.66%
14	1170	12.68%
15	1826	19.79%
16	2344	25.41%
17	2629	28.50%
Missing data	17	0.18%
Grand Total	9,226	100.00%

Race

White youth were referred to diversion at a higher rate than any other group, accounting for 60.57% of referrals statewide. Native Hawaiian and other Pacific Islander youth had the lowest referral rate (.14%), followed by Native American and Asian youth had the lowest rates of referrals, accounting for 1.2% and 1% respectively (Table 2). A high amount of race and ethnicity data is missing for these reporting years (4.38%). The diversity of youth referred to diversion fluctuated by county, with Buffalo and Lincoln County accounting for the highest percent of White youth referred (Table 3). Colfax, Dakota, Douglas, and Hall Counties reflected the greatest percent of diversity in referrals. Hispanic youth accounted for more than 60% of the youth referred to diversion programs in Colfax and Dakota Counties. Black, African American youth accounted for more than 35% of the referrals in Douglas County.

Table 2: Youth Referred to Diversion by Race

	Number of Youth Referred 2012-2014	Percent of Youth Referred 2012-2014
American Indian, Alaska Native	111	1.20%
Asian	92	1.00%
Black, African American	1366	14.80%
Hispanic	1556	16.86%
Multiple Races	33	0.36%
Native Hawaiian, Other Pacific Islander	13	0.14%
Other Race	63	0.68%
White	5589	60.57%
Missing data	404	4.38%
Grand Total	9227	100.00%

Table 3: Percent of Referrals by Race and County 2012-2014

	American Indian, Alaska Native	Black, African American	Hispanic	White
Box Butte	18.18%	0.00%	4.55%	77.27%
Buffalo	1.11%	2.67%	17.37%	78.84%
Chase	0.00%	0.00%	42.86%	57.14%
Colfax	1.80%	0.00%	77.48%	20.72%
Dakota	6.49%	2.60%	63.64%	27.27%
Douglas	0.47%	36.22%	15.33%	47.98%
Hall	0.28%	5.54%	43.18%	50.99%
Lancaster	3.79%	16.98%	13.56%	65.67%
Lincoln	1.42%	2.37%	12.80%	83.41%
Madison	3.85%	7.26%	22.22%	66.67%
Platte	0.76%	0.38%	30.92%	67.94%
Sarpy	0.35%	13.54%	12.41%	73.70%
Scotts Bluff	1.70%	0.85%	32.77%	64.68%

Availability of Diversion

Fifty-five¹ of Nebraska's 62 counties that have diversion reported referring at least one youth in calendar years 2012-2014. There still exists missing data from diversion programs that are not reporting their data, which would increase the number of counties above 55. The four largest counties (Douglas, Lancaster, Sarpy and Hall Counties) accounted for the majority (69.17%) of statewide referrals to diversion.

Youth were generally referred to juvenile diversion by the local prosecuting attorney. Of the 9,227 cases referred, 63.35% were from a county attorney and 19.27% were referred from the city attorney. Law enforcement, school and other sources accounted for less than half a percent of referrals (Table 4).

¹ The state of diversion programs across the state fluctuate from year to year. Many new programs are included in the 62 number, and a couple of programs in the 55 number now no longer exist.

Table 4: Source of Referral

Referral Source	Number of youth referred 2012-2014	Percent of youth referred 2012-2014
Missing data	10	0.11%
City Attorney	1778	19.27%
County Attorney	5845	63.35%
Law Enforcement	1533	16.61%
Other	13	0.14%
Other County	41	0.44%
School	7	0.08%
Grand Total	9,227	100.00%

Referral to Juvenile Diversion

When a case is referred to a prosecutor, it may be dismissed for lack of evidence, filed in court, or referred to juvenile diversion. Some counties only allow youth one opportunity to divert a law violation. Other counties allow youth to divert more than one law violation. These programs also allow youth to do diversion more than one time. An informal survey of diversion programs revealed that roughly 80% of programs in Nebraska allow a youth to complete diversion more than once, but this depends on a number of factors (type of offense, age of the juvenile, time between violations, etc.).

Law Violations Referred to Juvenile Diversion

The most common charges referred to juvenile diversion during calendar years 2012-2014 were shoplifting, minor in possession, and possession/paraphernalia of narcotic equipment (Table 5).

Table 5: Charges Referred to Diversion 2012-2014

Charge Referred 2012-2014	Count
Shoplifting	1946
Minor In Possession	1326
Narcotic Equipment-Possession-Paraphernalia	833
Marijuana Possession-Less Than 1 Oz	822
Criminal Mischief	812
Assault - 3rd Degree	681
Theft By Unlawful Taking	596
Traffic Offense	473
Disturbing The Peace	424
Trespassing	383
Assault	323
Disorderly Conduct	292
Marijuana-Possession	291

Success in Diversion

Youth who are successful in diversion are able to avoid the juvenile or criminal justice system. In calendar year 2013, a mere 63% of cases sent to diversion had a “successful completion.” Successful completion means that the youth completed the diversion program and no further legal action was necessary. The percent of successful completions by race indicate that White youth are more likely to successfully avoid court processing. White youth successfully completed diversion at a rate of 67.4%, Black youth at 62.12%, Hispanic youth at 60%, and American Indian youth at a mere 40%.

Table 7: Youth Successful in Diversion by Race 2013

	Did not participate	Missing Discharge Data	Successful	Unsuccessful	Grand Total
American Indian, Alaska Native	7	4	18	16	45
Asian	3		25	6	34
Black, African American	38	26	287	111	462
Hispanic	74	22	283	93	472
Multiple Races			5		5
Native Hawaiian, Other Pacific Islander	2		2	1	5
Other Race	1	1	13	6	21
White	259	67	1193	250	1768
Unspecified	80		3	8	91
Grand Total	464	120	1829	491	2904

Of all the youth referred to diversion, 16% did not participate in the program. Reasons for this could be that the diversion program declined admission, the parent or youth did not follow up with making the initial appointment, or the parent or youth refused to participate, choosing the formal court process in lieu of diversion. The percent of youth not participating in juvenile diversion once a referral is made was 15.56% of American Indian youth, 15.68% of Hispanic youth, 14.64% of White youth, and 8.23% of Black youth. Unfortunately, we are not able to capture the total number of youth eligible for diversion each year that are not referred, only the actual number of youth referred.

Table 8: Population of Youth Referred vs. Youth Successful in Diversion by Race 2013

	White	Black	Indian	Hispanic
Juveniles Referred to Diversion	60.92%	15.91%	1.55%	16.25%
Population Successful in Diversion	65.23%	15.69%	0.98%	15.47%

2013 STATISTICS FOR OMAHA, NEBRASKA

GANG ACTIVITY Gang Related Part I Offenses	2012	2013	Percent Change
Criminal Homicide	10	10	0%
Forcible Rape	2	2	0%
Robbery	15	7	-53%
Aggravated Assault	107	76	-29%
Burglary	22	24	+9%
Larceny-Theft	30	36	+20%
Motor Vehicle Theft	30	30	0%
Total	216	185	-14%

Gang Related Arrests for PWID and Firearms	2012	2013	Percent Change
Possession with Intent to Deliver Narcotics	29	30	+3%
Firearms	138	121	-12%
Total Activity	167	151	-10%

Gang Related Domestic Violence	2012	2013	Percent Change
Domestic Violence	204	156	-24%

Gang Members	2012	2013	Percent Change
New Gang Members	128	121	-5%
Deleted Gang Members	585	582	-1%
Suspected Gang Members	3,029	2,568	-15%
Suspected Number of Gangs	81	82	+1%

* Data from Omaha Police Department 2013 Annual Report:
http://opd.ci.omaha.ne.us/images/Annual_Reports/2013AnnualReportFinal.pdf

List of Nebraska's Priority Juvenile Justice Needs/Problems

Since the last Three Year Juvenile Justice Delinquency Prevention Plan was submitted in 2013, Nebraska has undergone intensive reform efforts. Lawmakers have passed a number of legislative proposals designed to reform Nebraska's juvenile justice system. One of the state's foremost child advocates explained that reform efforts are "expanding local and community-based alternatives to incarceration, as well as implementing research-based prevention programs to keep kids out of contact with the justice system altogether, [which is] an important step in realizing that what we're doing now isn't working for kids."

As a result of reform efforts, many juvenile justice professionals have been involved in strategic planning designed to create community-based options in lieu of deep end solutions. Although most of these reforms occurred from 2012 to 2014, some are ongoing and several groups are currently culminating their efforts. Therefore, JJI intentionally began with the priorities identified by the stakeholder groups listed in Table 1 below.

Table 1: Key Groups Engaged in Nebraska Juvenile and Youth Justice Planning 2012-2014		
Stakeholder Group	Number of Participants	Month & Year
Nebraska Community Planning Teams	700	Ongoing
NE Department of Health & Human Services System of Care Planning Grant	260	September 2014
NE Department of Health & Human Services System Five Year Prevention Statewide Strategic Plan	Not available	2013-2017
Douglas County – FSG Workgroups	380	Ongoing
Juvenile Services – NE Children's Commission	36	Ongoing
Senator Roundtables - Legislative Focus Groups	Approximately 28	December 2014
Strategic Plan for Nebraska Problem-Solving Courts (Administrative Office of the Courts/Problem-Solving Courts	35	2013-2017

Some of the strategic plans identified very broad goals, such as poverty, that were designed to address systemic reasons for juvenile justice involvement. Many of the planning documents contained priorities that were closely related or identical to those listed in other plans. These priorities were compiled into one list and the Juvenile Justice Three Year Planning Subcommittee was asked to identify which priorities on the list were most relevant to the

juvenile justice system. The resulting list was the starting point of every regional focus group discussion; the priorities were further defined throughout the focus group process. In addition, each focus group was offered the opportunity to add a priority to the list if participants felt it covered subject matter not contained in the original priorities and definitions. The final list of statewide priorities (ranked according to priority) and their definitions is as follows:

Table 2: Juvenile Justice Priorities Identified By System Stakeholders
(2012-2014)

1. Mental Health/Behavioral/Juvenile Treatment Needs	
<i>For system-involved youth, including diversion</i>	
	<ul style="list-style-type: none"> • Address the lack of access to health coverage or necessary medication for youth involved in the system • Address the lack of availability of psychiatric and therapeutic services for system-involved youth • Address the use of secure and staff secure detention for youth in need of mental health services and treatment options for violent offenders • Explore non-medical, behavioral, physical and holistic treatment options. • Address risk and protective factors
2. Diversion	
	<ul style="list-style-type: none"> • Increase availability of diversion/pre-filing interventions for youth • Expand diversion to counties where it is currently unavailable • Make diversion more accessible to youth/families who cannot afford fees • Address risk and protective factors
3. School-Based Programs/Education	
<i>For youth before or after legal system involvement</i>	
	<ul style="list-style-type: none"> • Enhance or create interventions that stop the school to prison pipeline and increase school engagement, such as school-based mentoring • Understand how schools play a role in the juvenile justice system • Address the need to re-engage habitually truant youth back into the school system
4. Data Driven/Evidence-Based Practices/Accountability and Monitoring/Systems to Monitor Quality and Outcomes	
	<ul style="list-style-type: none"> • Ensure accountability and monitoring across system points, including sharing of data • Evaluate all funded projects to ensure accountability and data-informed policy and practical decisions • Collect data on recidivism

- Ensure evidence-based efforts that require programs to assess a youth prior to using an intervention and that directs programs to “what works” to reduce recidivism
- Ensure consistent definitions and data collection processes, such as those related to DMC
- Develop clear definitions and rules and regulations that outline the differences between these placements
- Enhance or create a continuum of alternatives so there is an option in lieu of detention

5. Service Availability/Array of Services/Timely Access to Effective Services/Screening and Assessment

- Address the lack of instate services and placements, which causes juveniles to be committed to facilities far away from family members or sent out of state (especially with regard to treatment facilities)
- Ensure adequate services and programs are available in all areas of the state
- Include accurate and consistent screening and assessment across all services
- Ensure adequate transportation to services

6. Prevention/Access to Prevention Services

For youth without prior law enforcement or court contact

- Delinquency prevention resources
 - Mentoring
- Internet and cell phone safety programs
- Gang prevention
- Youth violence/exposure to violence prevention
- Bullying prevention
- Prevention from entering the juvenile justice system through positive youth development, including leisure activities
- Sexual activity/youth pregnancy programs
- Address risk and protective factors
- Crisis Response
- Enhance or create substance abuse programs
- Address juvenile treatment and interventions, including oversight of youth treatment

7. Detention/Alternatives to Detention

- Examine the use of detention, including overuse and overrides to authorize detention
- Develop clear definitions and rules and regulations that outline the differences between these two placements

- Enhance or create a continuum of alternatives so there is an option in lieu of detention

8. Substance Abuse/Juvenile Treatment Needs

For system-involved youth, including diversion

- Enhance or create substance abuse programs
- Address juvenile treatment and interventions, including oversight of youth treatment

9. DMC/Enhancing Linguistic Access/Equity/Bias

- Address disproportionate minority contact
- Enhance culturally responsive programs and cultural/linguistic appropriateness of services to match youth and family needs

10. Encourage intentional selection of juvenile justice as a profession and training our juvenile justice workforce

- Adequately train professionals, volunteers and youth care workers as they enter and remain in the juvenile justice profession
- Ensure a consistent, stable, and skilled workforce working with youth and families
- Educate professionals on trauma-informed care and other subjects

11. Juvenile Re-entry/Aging out

- Enhance or create services for youth returning to the community after a stay in YRTC or detention center
- Create an extended services and support to age 21 program to meet the needs of older youth exiting any out of home placement

12. Courts/Legal Systems and Cross Over with Abuse and Neglect

- Increase collaboration and clarification on proper court filings – 3(a), 3(b), 3(c) and/or delinquency
- Address the increase in cross over cases
- Examine possible blended funding for youth and families that cross over systems and have multiple issues

13. Family Involvement/Consumer Voice/Family Driven

- Include and expand family and youth involvement and leadership in

the juvenile justice process

- Engage and respect the family's voice
- Provide families with ample information so they can be a valuable member at the table

14. Status Offenders/Runaway Youth

- Enhance or create specialized, pre-filing and post-filing interventions for status offenders, specifically runaway and/or ungovernable youth

15. Collaboration with the Community

- Address the need for community-based programs for system involved youth
 - Focus on restorative justice, including a systemic and thematic shift to focus equally on both the youth offender and the victim
 - Connect young people to the community in a meaningful way
 - Ensure education and information sharing to the public on the juvenile justice plan, focus and priorities
-

We contacted local juvenile justice groups in five key areas of the state and asked them to convene area stakeholders who had a thorough understanding of the juvenile justice system. Each group was asked to invite a broad group of participants from various points in the juvenile justice system, who either have a vested interest in or are influence within juvenile justice.

The key areas of the state included four geographic regions (Western Nebraska, Central Nebraska, Eastern Nebraska – Douglas and Sarpy Counties, and Eastern Nebraska – Lancaster County). The final group of individuals was the Juvenile Services Committee of the Nebraska's Children's Commission, a group legislatively mandated to explore the role of our statewide detention facilities and how the juvenile justice system feeds those facilities.

The focus groups were called together to review the defined priorities identified by the planning groups (Table 1), to share their perspective and to come to agreement on the state's top five priorities. Although the goal was to identify priorities for the entire state, one of the benefits of running regional focus groups was the ability to see if statewide priorities differed by region.

Nebraska's Top Priorities

Each site was asked to identify high, medium and low priorities from the priority list (above). At each site the discussion centered on how certain priorities overlap all of the other priorities. For instance, development of the workforce and volunteer force, development of cultural appropriate

responses, active engagement of youth/families in decision making and incorporation of community all overlap many of the other priorities.

The following priorities were not ranked as one of the top five priorities at any of the regional focus groups:

1. Status Offenders/Runaway Youth
2. Courts/Legal Systems and Cross Over with Abuse and Neglect
3. Family Involvement/Consumer Voice/Family Driven
4. Juvenile Re-entry/Aging out
5. Substance Abuse Services - for System Involved Youth
6. Development of Youth Workers, Volunteers and the Juvenile Justice Workforce

Although these were not identified as top priorities, focus group participants indicated that some categories could overlap and be included in our interventions. For instance, many participants felt that our systems should incorporate youth and family voice. Youth voice is discussed at length in the section entitled “Incorporating Youth Perspective below.”

Across the state, focus group participants identified five top priorities. Figure 1 (below) lists the priorities according to averaged percentages from all site focus groups. Mental health needs and services for system involved youth was clearly identified as a top priority in every region of the state and had the highest overall percent of votes.

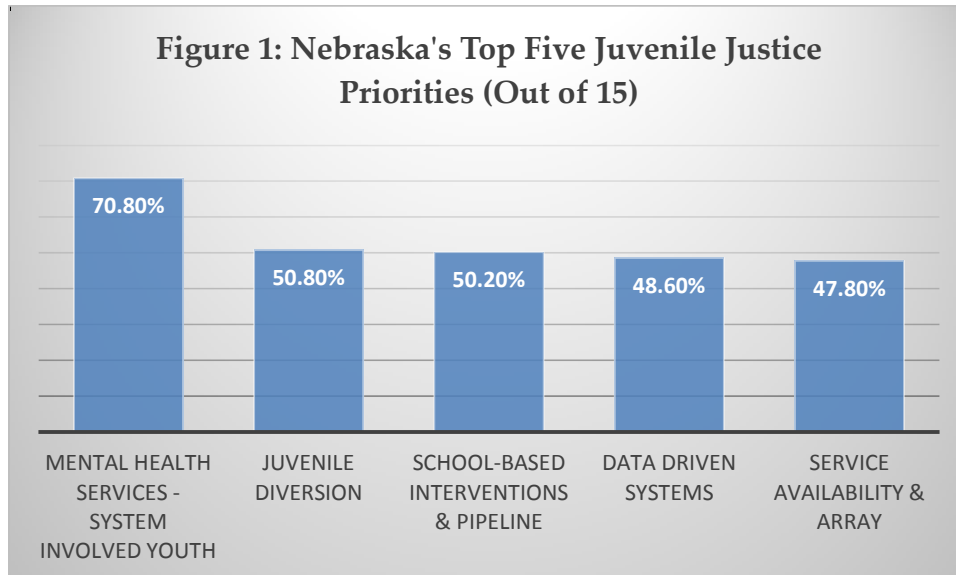


Table 3: Top 5 Juvenile Justice Priorities -Statewide

1. Mental Health/Behavioral/Juvenile Treatment Needs – from the system point of diversion and beyond

2. Juvenile Diversion Programs
3. School-Based Programs/Education - for youth before or after legal system involvement
4. Data Driven/Evidence-Based Practices/Accountability and Monitoring/Systems to Monitor Quality and Outcomes
5. Service Availability: including an array of services and timely access to effective services matched through screening and assessment

The top priorities came in ranked differently depending upon the region where the focus group was held (Figure 2). Some regional focus groups include other priorities that did not make it into the state's top five. These regional differences are illustrated in the figures and tables below.

The top juvenile justice priorities by regional focus groups were as follows:

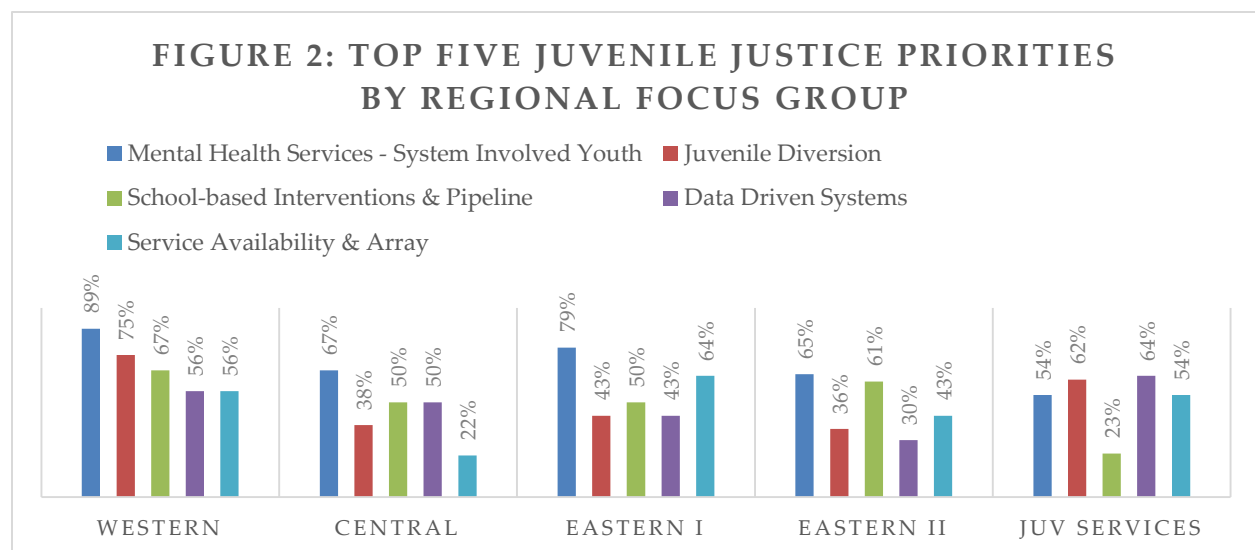


Table 4: Top 5 Juvenile Justice Priorities – Eastern NE – Douglas & Sarpy County
1. Mental Health/Behavioral/Juvenile Treatment Needs – from the system point of diversion and beyond
2. Service Availability: including an array of services and timely access to effective services matched through screening and assessment
3. Prevention programs – for youth prior to any involvement with the system
4. School-Based Programs/Education - for youth before or after legal system involvement
5. Diversion

Table 5: Top 5 Juvenile Justice Priorities – Eastern NE – Lancaster County

1. Mental Health/Behavioral/Juvenile Treatment Needs – from the system point of diversion and beyond
2. Prevention programs – for youth prior to any involvement with the system
3. School-Based Programs/Education - for youth before or after legal system involvement
4. Disproportionate Minority Contact
5. Community Restoration & Restitution

Table 6: Top 5 Juvenile Justice Priorities – Central NE
1. Mental Health/Behavioral/Juvenile Treatment Needs – from the system point of diversion and beyond
2. Prevention programs – for youth prior to any involvement with the system
3. School-Based Programs/Education - for youth before or after legal system involvement
4. Detention/Alternatives to Detention
5. Data Driven Policy

Table 7: Top 5 Juvenile Justice Priorities – Western NE
1. Mental Health/Behavioral/Juvenile Treatment Needs – from the system point of diversion and beyond
2. Diversion
3. School-Based Programs/Education - for youth before or after legal system involvement
4. Service Availability: including an array of services and timely access to effective services matched through screening and assessment
5. Data Driven Policy

Table 8: Top 5 Juvenile Justice Priorities – Juvenile Services Committee
1. Data Driven Policy
2. Diversion
3. Mental Health/Behavioral/Juvenile Treatment Needs – from the system point of diversion and beyond
4. Service Availability: including an array of services and timely access to effective services matched through screening and assessment
5. Data Driven Policy

During our focus groups, it became clear that stakeholders agree on the need to narrow the front door to the juvenile justice system. There was a lot of discussion about decreases out-of-home placements and reducing reliance on detention, even in counties where it did not rise to a top priority. Practitioners voted data informed policies and evidence-based programs as one of the top priorities for the State of Nebraska

Incorporating Youth Perspective via Youth Listening Tours

One of the participant groups that are often hardest to involve in juvenile justice focus groups are youth and parents. To ensure that we captured the youth voice, we have included results from a Youth Listening Tour that was conducted across the State of Nebraska from 2013 to 2014.

Focus group discussions were led by a member of the Nebraska Coalition for Juvenile Justice Youth Committee. Group sizes ranged from 6-12 youth. During the sessions, youth were presented with eight questions both orally and in writing (see Appendix). No identifying information about participants was collected, only the verbal feedback that the questions generated.

A total of 124 “system-involved” youth participated: 40 youth were residing in a Nebraska Youth Rehabilitation Center; 30 youth were in a county-run detention center; 16 youth were on probation; 35 youth were at Boystown and 3 youth were alumni of the juvenile justice system.

The participating agencies and programs allowed for an excellent representation of youth from across Nebraska and included:

- YRTC-Geneva
- YRTC-Kearney
- Northeast Nebraska Detention Center
- Scottsbluff Detention Center
- Boystown
- CEDARS (evening reporting)
- Norfolk Probation (day reporting)

The results from the focus groups yielded very useful information, specifically the feedback on which interventions youth felt were helpful in their development and progress. The specific feedback was:

- Program at JDC [Juvenile Detention Center]
- One on one with a therapist: “Therapist I could trust.”
- IOP – [Intensive Outpatient] “To work as a team and take us out in the community.”
- Individual tracking, counseling
- Project Everlast: “Being able to talk and no judgment.”
- Equine Therapy: “Horses help you get your mind off things and learn ways to handle things.”
- AA: “Alcoholics were present, been there done that, I can relate.”
- Random UAs
- Improv

- Programs at NNJS: Why Try & MRT [Moral Reconation Therapy]: “Encouraged me to change.”
- Others: Off campus activities, sports, community service, having places to hang out, getting a job, staff & friends, nothing

Youth were perhaps even more vocal about the interventions that they found were not helpful:

- **IFP [Intensive Family Preservation]**
 - “Telling you how to run your family & they don’t know what is going on.”
- **Therapy**
 - “Forced to go, want to rebel & pushed you to do things you don’t want to do.”
- **Tracking Services**
 - “Not consistent, still did whatever I wanted to do, no one called and checked in.”
- **JSO Evaluation [Juvenile Services Officer through Department of Health and Human Services]**
 - “Didn’t get enough detail to figure out what was happening, the details were not correct in the report.”
- **Being Institutionalized**
 - “Messess with your mentality & social life.”
 - “Addicted to institutions.”
- **Kearney YRTC**
 - “Taught me how to fight and that’s really the only thing.”
- **Staff:** Rude, treat us poorly, looks at us bad
- **Schooling**
 - “Can either put you ahead or behind at school, classes not matching up
- **Drug/Alcohol Classes**
 - “The people are not experienced in drugs, haven’t done drugs.”
 - “Kicked out because I asked a question that they felt defied what they were trying to teach us.”
- **Group Homes**

Youth took a fair amount of responsibility for their involvement in the juvenile justice system, when asked, “**What would have prevented you from getting involved in the juvenile court system?**”

- Knowing the consequences
- Making better decisions
- New friend groups – staying away from negative behavior
- Listened to parents
- Support from family, more parental care
- Not running from home
- Provide more information – mentor

- Need more attention / parental support
- Better communication with caseworker
- Stay in school
- Having something/someone to look up to
- No drugs
- Not being a 3A case
- Talking to someone at the same point

While most identified internal decision making (knowing the consequences, not running from home, listening to parents, not doing drugs), some also identified systemic things that might have helped (better parenting; someone to talk to; better communication with caseworker.)

Only 25% of youth felt that their perspective was considered when they were asked “**Do you feel like you have a voice in the decisions made in your case? Why or why not?**” The majority of youth (75%) said “No.” Some of their comments included:

- “Absolutely not. My GAL and PO testified against me in court and the judge didn’t listen to me.”
- “No, never really asked.”
- “No voice – they didn’t want to hear what I wanted and made decisions without me. They don’t let me come to the meetings that happen after court. I have to wait outside. It’s really weird and scary to know that people are in a room talking about me and I don’t know what’s going on or what they are saying.”
- “No. Caseworkers and judges go by what is on paper. They always think my opinion is just what I want to make things easy. “
- “No, because I don’t fully understand the situation and nobody explains it to me.”
- “Not really, because nothing has happened that I want to help me.”
- “No because I’m not the judge to make her/his decisions.”
- “No, because I never have the option to talk.”
- “No, they have their minds made up.”
- “No, because I had two choices to be put on home arrest or in YRTC-Kearney and I chose house arrest but they just sent me to YRTC-K so no, I didn’t have a chance to decide.”
- “No, because every time I try to speak they just ignore what I’ve got to say and they make the decisions for me.”
- “Judges and law system holds past against you, past of running always affect future.”
- “I didn’t even get my input in what would help me.”
- “It seems like since I have been out of my home, most of the people never believe me and think that I am a liar. They never believe me or take my side. Everything that always happens to me, always comes back on me. “
- “No, never once has ever listened to anything that I have to say. My probation officer, the court, and even my mom do not care what I think or what I want. “

- “Didn’t want to hear what I wanted and made decisions without me. “
- “Don’t want me to come to meetings about me.”
- “I always felt like they treated me like some pet.”
- “No, your attorney will come and ask what do you want to do and you tell them then they try to tell the Judge, but the Judge will say no.”
- “No, you do not have a choice or a decision in what is going to happen to you. The day that you pull that door open and step into the courtroom, your voice goes out of the door.”
- “Your ‘public pretender’ makes deals before you even get there. You do not have a voice.”

Overall, only 25% of the youth who responded to this question (13 youth) felt that their perspective was taken into account, but those youth indicated the following:

- “They gave me time to talk and how I feel about what they are doing.”
- “My probation officer always listens to me and encourages me when I’m doing something good.”
- “I asked to go to Kearney and they sent me.”
- “They give me time to talk and how I feel about what they are doing.”
- “Yes. My probation officer as well as my attorney have a great relationship to me. I feel like they listen to me. “
- “Yes, because I got a good lawyer.”

Of the youth who responded that they were listened to and had a say in the outcome of their case, this always came down to an individual professional who made the youth feel heard.

Youth also clearly felt the impact of their race and ethnicity. Youth were asked **“Thinking about your past and present experience with the juvenile court system (judges, probation, diversion, attorneys, trackers, etc) would you say that you were treated the same as other races? Why or why not? “**

Thirty percent of the youth who responded to this question felt that race was not a factor in their treatment. Some of their comments include:

- "Yes, just because I came from a primarily white town.”
- “Yes, because if my friend got in trouble for the same thing he would get the same consequence.”
- “Yes because I haven’t seen anyone treat me badly.”
- “Yes because I had some white people get the same consequence as me.”

- “Yes, because I know some people that are different and they got the same thing as I did.”
- “I believe I was treated fair.”
- “Some of my friends were in there too for the same reason.”
- “Judges were fair.”

Sixty-two percent of the youth who responded to this question, felt that race or ethnicity did impact their treatment. Some of their comments included:

- “Treating Mexicans and Black differently.”
- “Just the case – different colored people they are just trouble makers (racist comments that they are troublemakers) the way the media puts it out there, everyone . . .”
- “Judges – most of the kids that they lock up 98% are colored kids.”
- “No, to be honest Hispanics and Blacks are harassed more while Caucasians get more positive attention than negative.”
- “No. they want more out of African/Mexican kids.”
- “Nope, because white kids go to go home and I get locked up.”
- “No, white people don’t get in as much as colored people would.”
- “My old caseworker was not treating me the same as another boy who was in her case.”
- “One time I was in a group home, and there was a kid who was Hispanic who I felt was getting treated unfairly.”
- “No one ever tries to contact my mom or make an effort to try and get a hold of her because she is Hispanic and needs a translator.”
- “No, as a Black male they treated me differently – they automatically assume I am guilty.”
- “No, if I were White I probably would not be here.”

Youth involved in the listening tour clearly felt it was safe to share their opinion and their comments are powerful. The State of Nebraska is fortunate to have Project Everlast as a resource. The Director of Project Everlast was instrumental in conducting the 2013-2014 Youth Listening Tour. This statewide, youth-led initiative is committed to providing resources, connections and support to young adults. While their primary focus is on youth who age out of foster care, they have been at the forefront of demanding that our juvenile justice system bring youth to the table, hold meetings when consumers are available to attend, and honor the voices we invite to the table.

Survey Results

Individuals who could not participate in the statewide focus groups were encouraged to participate in the process using an online survey tool. The survey was open from December 2, 2014 through January 31, 2015. A total of 88 individual responses were received, predominantly from individuals in the eastern part of Nebraska (Table 4).

Table 4: Survey Respondents by County	
Douglas	22
Lancaster	21
Cass	3
Sarpy	3
Box Butte	2
Buffalo	2
Dodge	2
Missing Data	18
Total	88

Respondents were asked “What do you believe should be the #1 priority for the Nebraska Juvenile Justice System?” This question was placed at the very beginning of the survey and was intentionally left open-ended so that respondents were not influenced by a list of priorities; rather they needed to generate their own statement about what the most pressing juvenile justice issue is in Nebraska. These responses were then coded into predominant themes, many of which overlapped the focus group priorities (Table 5).

Table 5: Nebraska Top Priorities Based Upon Survey Results

Service Availability/ More Facilities	12
Access to Appropriate Services	
Timely Access to Effective Services	
Prevention	10
Access to Prevention Services	
Evidence-based Prevention Programs	
Address mental health issues	6
Access to mental health services	
DMC	6
Cultural/Linguistic Appropriate Programs	
Skill building and accountability for youth and families	6
Alternatives to Detention and Use of Detention	5
Diversion	5
Status Offenders/Runaway Youth	4
Address truancy issues	
Data Driven	2
EBPs	
Accountability and Monitoring	
Juvenile Reentry	2
Aging out	
Community	2
Address the need for community-based programs, including	
leisure activities	
Connect youth to community	
Positive activities and experiences	
Restorative Justice/Victim Offender Mediation	
Crisis intervention	1
Collaboration between agencies and stakeholders	1
Open communication between agencies	
Family Involvement/Support	1
Consumer Voice	
Family Driven	
To broad to classify/ Rehabilitation	12
School-based Programs/Education	1
Substance Abuse/Juvenile Treatment Needs	1
Crossover Youth	1
TOTAL	78

Array of services, preventative services, mental health treatment, DMC, alternatives to detention and diversion ranked as the top five priorities on the online survey. The survey also yielded an additional category of “skill building programs that teach accountability to youth and families.” Finally, a number of responses included concepts like rehabilitation, but were not more specific, so we were unable to classify them into a specific category.

However, when we asked subsequent, unstructured questions, respondents clearly identified mental health services as the number one priority for youth at all points in the system, including before system involvement, during involvement in the system and after system involvement (Tables 6 and 7 on the following pages).

“If you could add or enhance just one service for youth who have had no court involvement, what would that service be?”

Table 6: Priorities for Youth Prior to Court Involvement

Address mental health issues	14
Access to mental health services	
Community	12
Address the need for community-based programs, including leisure activities	
Connect youth to community through positive activities and experiences	
Restorative Justice/Victim Offender Mediation	
Mentor	11
Service Availability	9
Access to Appropriate Services	
Timely Access to Effective Services	
Prevention	7
Access to Prevention Services	
Evidence-based Prevention Programs	

If you could add or enhance one service to the services provided to youth who are involved in the juvenile justice system (court involved), what would that one service be?

Table 7: Priorities for Court Involved Youth

Address mental health issues	9
Access to mental health services	
Skill building and accountability for youth and families	8
Community	6
Address the need for community-based programs, including leisure activities	
Connect youth to community	
Positive activities and experiences	
Restorative Justice/Victim Offender Mediation	
Family Involvement/Support	6
Consumer Voice	
Family Driven	
School-based Programs/Education	6

If you could add or enhance one service to the services provided to youth who are “Aging-out” of the juvenile justice system, what would that service be?

Table 8: Priorities for Youth “Aging-Out” of the System

Independent living options/programs	38
Employment programs	
Housing Programs/Access to housing	
Service Availability	12
Access to Appropriate Services	
Timely Access to Effective Services	
Mentor/Navigator/ one-to-one assistance	11
Transitional Planning Services	6
Education Services/Programs	4

When asked “**What is the most critical juvenile justice need in your area that is most in need of State attention and resources?**” once again mental health services came to the top of the priorities.

Table 9: Regional Priority That Requires State Resources

Address mental health issues	11
Access to mental health services	
Service Availability	9
Access to Appropriate Services	
Timely Access to Effective Services	
Access to Prevention Services	7
Evidence-based Prevention Programs	
Skill building and accountability for youth and families	7
Data Driven	6
EBPs - Accountability and Monitoring	

Conclusion

When the Juvenile Justice Institute was invited to help Nebraska identify key juvenile justice priorities, we sought to build off the tremendous amount of work that Nebraska juvenile justice professionals had already completed under the umbrella of reform.

We gathered data using three from three primary sources: (1) Regionally held focus groups; (2) data collected from youth listening tours; and (3) an online survey.

Not surprisingly, the top priorities varied dependent upon the point in the system; the top priorities also differed regionally.

Regional Focus Groups

- **Mental Health Services**
- **School-based Interventions**
- **Data**
- **Diversion**
- **Prevention**
- **Service Array and Availability**

Youth Listening Tours

- **Family Involvement/Consumer Voice**
- **Minority Over-representation**
- **Intentional selection and training of juvenile justice personnel**

Online Survey

- **Service Array and Availability**
 - **Prevention**
 - **Tie for third**
 - **Mental Health Services**
 - **Minority Over-representation**
 - **Skill building**
 - **Tie for Fourth**
 - **Alternative to Detention**
 - **Diversion**
-

The need for mental health services was the most consistent top priority from the focus groups and online survey. In statewide focus groups, over 70% of combined respondents voted this as the top priority for youth involved in our juvenile justice systems.

Finally, it appears that Nebraska is committed to the reform efforts initiated in recent years. When asked about the strengths of their community, 57% of respondents cited commitment to improving the system and willingness to change. They also noted a willingness to collaborate between agencies and stakeholders (both statewide and regionally) to achieve system improvements. Across the focus groups and via the survey, it became completely clear that juvenile justice is considered a priority in the State of Nebraska.

3. Plan for Compliance with the First Three Core Requirements of the JJDP Act and States Compliance Monitoring Plan

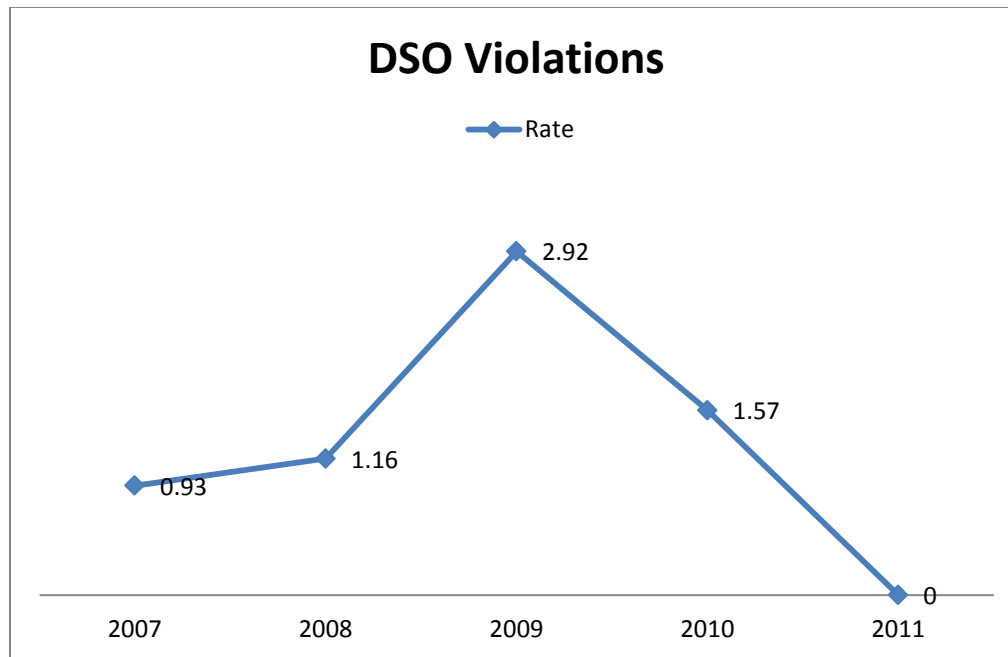
A. Plan for Deinstitutionalization of Status Offenders

Nebraska is in full compliance with the Deinstitutionalization of Status Offenders (DSO) protection requirement. Nebraska is active in the achievement of this goal with the adaption of the DSO protection requirement into state statute in the 1980's. NE S.S. 43-250 VI states:

(vi) A status offender or nonoffender taken into temporary custody shall not be held in a secure area of a jail or other facility intended or used for the detention of adults. Until January 1, 2013, a status offender accused of violating a valid court order may be securely detained in a juvenile detention facility longer than twenty-four hours if he or she is afforded a detention hearing before a court within twenty-four hours, excluding nonjudicial days, and if, prior to a dispositional commitment to secure placement, a public agency, other than a court or law enforcement agency, is afforded an opportunity to review the juvenile's behavior and possible alternatives to secure placement and has submitted a written report to the court; and

The goal of the state is to maintain full compliance status. The plan to maintain this status includes ongoing training by the juvenile compliance monitor. The compliance monitor will continue to provide on-sight training during site visits and training at the law enforcement academy for new sheriffs and jail personnel. The compliance monitor is also working on the training agenda for the jail standards and LECC training. The compliance monitor will be available for training as identified or requested. It is through this type of training and on-site visits that the compliance monitor has developed productive working relationships with facilities across the state. Law enforcement and detention facilities can call or email prior to accepting a youth to ensure compliance is maintained.

Maintaining compliance in rural areas continues to take diligence on the part of those counties and facilities. Many communities do not have access to short term hold over facilities for youth and must drive long distances to access juvenile detention centers. With the rising cost of detention facilities most if not all of these use detention as an absolute last resort with status offenders. Most Status offenders sit in the office these facilities until a guardian is able to recover the status offender.



Typically the state has very few violations of the DSO core protection because the core protection is integrated into state statute §43.250 VI. The isolated cases where a violation has occurred normally were in a Juvenile detention center where a status offender was held longer than the 24 hour time period. Jails and lock ups rarely if ever violate this rule as intake (Probation) is the only entity other than a judge that can authorize a detention for a juvenile. Probation utilizes a statewide risk assessment tool that prohibits along with state statute the detention of a status offender. DSO violations decreased from 2.92 in 2009 to 0 in 2011. This decrease was due to the Federal audit from OJJDP where the state was provided technical assistance that was able to matriculate to other facilities to provide better education on the detention of status offenders. Currently the SAG is working with JDAI to revise the statewide detention screening tool. They will ensure that the state actively maintains the protection of status offenders from institutionalization.

B. Plan for Separation of Juveniles from Adult Offenders

Nebraska is in full compliance with the Separation of Juveniles from adult offenders' protection requirement. Nebraska strives to fulfill this protection requirement by the implementation of Separation of Juvenile's also integrated in state statute. 43-250 III states:

(iii) Whenever a juvenile is held in a secure area of any jail or other facility intended or used for the detention of adults, there shall be no verbal, visual, or physical contact between the juvenile and any incarcerated adult and there shall be adequate staff to supervise and monitor the juvenile's activities at all times. This subdivision shall not apply to a juvenile charged with a felony as an adult in county or

district court if he or she is sixteen years of age or older;

To maintain a level of full compliance, the compliance monitor will continue ongoing site visits and training to ensure this requirement is continuously met. In addition, the Compliance monitor verifies that secure facilities are not participating in any “Scared Straight” programs.



In Nebraska, any separation violation is a violation of State Statute §43.250 (1)(c). If a separation violation occurs typically it is when a juvenile is transferred from criminal court to juvenile court who was convicted of a misdemeanor. In most facilities the separation protection is a practice in their internal jail policies. Most Jails and lock ups do not accept anyone under the age of 18 regardless if they are charged with adult felonies or not. Even with the JJDP act not inclusive of those juveniles who are transferred to Adult court under a felony, Nebraska has taken the additional precautions with state statute to separate all juveniles under the age of 16 with adult felony charges. The state has averaged around 1 violation from 2007 to 2011. This trend is typically an incidental occurrence. To ensure future incidents of noncompliance do not occur, Nebraska will monitor data, conduct on-site inspections and conduct training and education for facility staff regarding the core requirements of the JJDP Act. The SAG is currently working with JDAI on pressing issues. Nebraska currently has 1 approved collocated facility:

Scottsbluff County Detention Center
Ron Johns, Director
P.O. Box 130
2522 7th Street
Gering, NE 69341
(308) 436-2204

Please see attached Policies on Collocated facilities:

4.5.1 COLLOCATED FACILITIES

Statement of Purpose:

To ensure Nebraska's compliance with the federal Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002 with regards to criteria set forth in 28 CFR §31.303(e)(3)(i)(C)(1)-(4).

Policy:

It is the policy of the Nebraska Commission on Law Enforcement and Criminal Justice (NCC) that any collocated facility, detaining or confining both juveniles and adults, meet all federal standards as set forth in the JJDP Act as amended, Pub. L, No. 93-415 (1974). To further ensure compliance the NCC, acting as the designated state agency, will offer technical assistance, provide compliance monitoring and conduct inspections as authorized under Nebraska Revised Statute § 83 4,124-4,134.

Definition: Collocated facilities are facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds as defined by 28 CFR §31.303(e)(3)(i)(A).

Procedures:

- A. Juvenile facilities collocated with adult facilities will be classified for the purpose of compliance monitoring utilizing federal definitions set forth in 28 CFR Part 31.
- B. The Nebraska Crime Commission will determine through an on-site review whether a collocated facility qualifies as a separate juvenile detention facility based on the facility fully meeting the four criteria outlined in 28 CFR §31.303(e)(3)(i)(C)(1)-(4) which states:
Each of the following four criteria must be met in order to ensure the requisite separateness of a juvenile detention facility that is collocated with an adult jail or lockup:
 - *Separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults in the facility. Separation can be achieved architecturally or through time-phasing of common use nonresidential areas; and*
 - *Separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility which provides for a full range of separate program services. No program activities may be shared by juveniles and incarcerated adults. Time-phasing of common use nonresidential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns; and*
 - *Separate staff for the juvenile and adult populations, including management, security, and direct care staff. Staff providing specialized services (medical care, food service, laundry, maintenance, and engineering, etc.) who are not normally in contact with detainees, or whose infrequent contacts occur under conditions of separation of juveniles and adults, can serve both populations (subject to State standards or licensing requirements). The day-to-day management, security, and direct care functions of the*

juvenile detention center must be vested in a totally separate staff, dedicated solely to the juveniles population within the colocated facilities; and

- In States that have established standards or licensing requirements for juveniles detention facilities, the juvenile facility must meet standards (on the same basis as a free-standing juveniles detention center) and be licensed as appropriate. If there are no State standards or licensing requirements, OJJDP encourages State to establish administrative requirements that authorize the State to review the facility's physical plant, staffing patterns, and programs in order to approve the colocated facility based on prevailing national juvenile detention standards.*

- C. Annually, all colocated facilities housing juveniles will be monitored to determine compliance with the four criteria stated in 28 CFR §31.303(e)(3)(i)(C)(1)-(4).
- D. Colocated facilities shall have written policies and procedures governing institutional practices use to establish sight and sound separation of the juvenile and adult populations.
- E. Individuals who work with both juveniles and adult inmates will be trained and certified on the needs of juveniles in accordance with Nebraska Revised Statute § 83 4,124-4,134. This training includes, but is not limited to juvenile rights and responsibilities; behavior management; adolescent growth and development; suicide risks and prevention; cultural diversity, and supervision of juveniles.

Please see attached Policies on Collocated facilities:

Compliance Monitoring Plan / Policy and Procedure Manual for the Juvenile Justice and Delinquency Prevention Act of 2002 in Nebraska: Pg. 19

C. Plan for Removal of Juveniles from Adult Jails and Lockups

Nebraska continues to comply with Jail Removal according to the last compliance monitoring report. The issues stated in the DSO section of this plan also apply to Jail Removal and as stated above.

The State of Nebraska utilizes the six (6) hour hold in MSA's that do not have local juvenile detention centers. This is monitored through the NCJIS system and monitoring of facilities. Nebraska S.S. 43-250 I states:

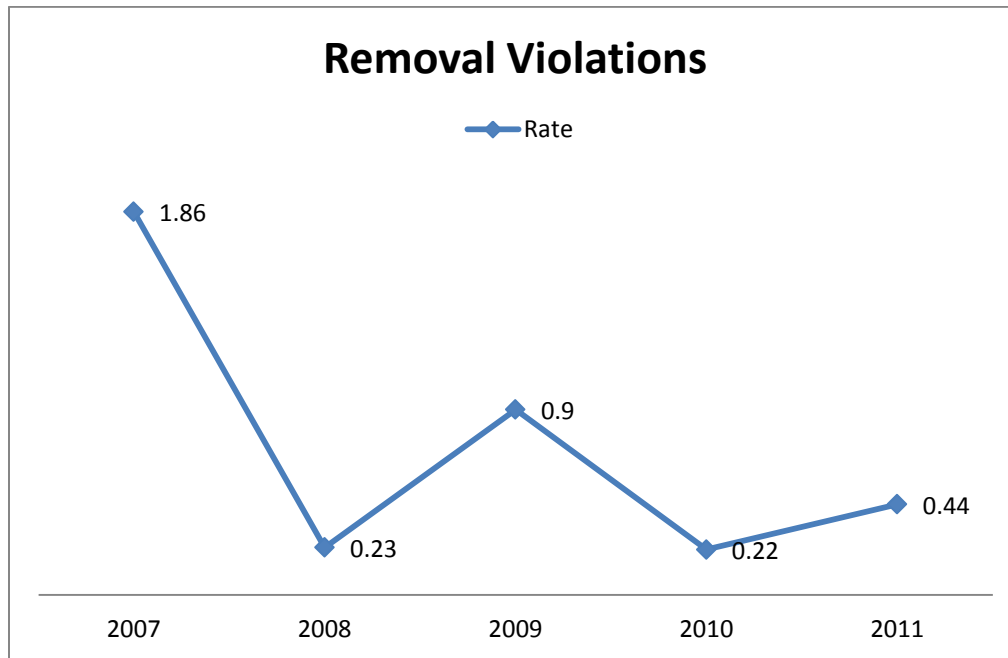
(i) When a juvenile described in subdivision (1) or (2) of section 43-247, except for a status offender, is taken into temporary custody within a metropolitan statistical area and where no juvenile detention facility is reasonably available, the juvenile may be delivered, for temporary custody not to exceed six hours, to a secure area of a jail or other facility intended or used for the detention of adults solely for the purposes of identifying the juvenile and ascertaining his or her health and well-being and for safekeeping while awaiting transport to an appropriate juvenile placement or release to a responsible party;

The state also utilizes the Rural exception in the 84 remaining counties. Even though it is available, many areas use the exception only when necessary for the benefit of the youth. Again, one method of monitoring this is through our NCJIS system. Nebraska S.S. 43-250 II states:

(ii) When a juvenile described in subdivision (1) or (2) of section 43-247, except for a status offender, is taken into temporary custody outside of a metropolitan statistical area and where no juvenile detention facility is reasonably available, the juvenile may be delivered, for temporary custody not to exceed twenty-four hours excluding nonjudicial days and while awaiting an initial court appearance, to a secure area of a jail or other facility intended or used for the detention of adults solely for the purposes of identifying the juvenile and ascertaining his or her health and well-being and for safekeeping while awaiting transport to an appropriate juvenile placement or release to a responsible party;

Finally, the State of Nebraska utilizes the Transfer/waiver exception. This typically occurs in more rural areas. Nebraska S.S. 43-250 V states:

(v) If, within the time limits specified in subdivision (1)(c)(i) or (1)(c)(ii) of this section, a felony charge is filed against the juvenile as an adult in county or district court, he or she may be securely held in a jail or other facility intended or used for the detention of adults beyond the specified time limits;



Violations that occur under jail removal are incidental and not a regular pattern. The violations are typically discovered by the Compliance Monitor while completing checks of the NCJIS data which is the state's real-time jail information system. No changes in state law or policy are required to remedy these infractions of jail removal in this report. It is the practice of the Nebraska Crime Commission to provide quality training to all criminal justice personnel on the core requirements of the JJDP Act and the proper handling of juveniles. In addition to being available for daily technical assistance the Compliance Monitor also offers on-site assistance when requested. Removal violations decreased from 1.86 in 2007 to 0.44 in 2011. This drastic decrease can be credited to the increased training education and increased alternatives for

placement. The SAG is currently working with JDAI on alternatives to detention so many of these issues can be avoided.

D. Plan for Compliance Monitoring for the First Three Core Requirements of the JJDP Act

The Nebraska Crime Commission employs a full time Compliance Monitor who is solely responsible for the monitoring system. The plan for compliance monitoring over the next year(s) includes training and updating the monitoring universe and classification of the facilities as needed.

The Compliance Monitor will continue to inspect facilities by conducting on site visits and exceed the required 10% of visitation required. The Compliance Monitor will establish a schedule for the year and map out visits to various geographic locations. The Compliance Monitor will collect the necessary data to complete the annual compliance report and determine violations. The State of Nebraska has an system, Nebraska Criminal Justice Information System(NCJIS), that allows the Compliance Monitor to look up bookings in all adult jails, lock up's, and juvenile detention centers across the state. This immediate access to data is a great benefit for the Compliance Monitor.

The final task for the Compliance Monitor is to further develop training. The compliance monitor will distribute a resource guide on site visits. The monitor will conduct training as requested by sites as well as set up training where it is needed. The monitor will work to get on the schedule for training at the Nebraska Law Enforcement Academy Training Center for new sheriffs and jail personnel, along with the annual Jail Standards and Law Enforcement and County Attorneys conferences. The Compliance Monitor reports to the State Advisory Group on the status of compliance on a quarterly basis.

The State of Nebraska has all compliance monitoring procedures, records, etc. on file and available for review. Title II funds continue to be utilized to support all resources necessary to employ a full time compliance monitor at the Crime Commission, and the state will notify OJJDP if circumstances arise that may jeopardize compliance in any way.

(1) Policy and Procedures

Compliance Monitoring Plan

Policy:

Nebraska will maintain a comprehensive compliance monitoring manual which will serve as a written plan for providing an adequate system for monitoring all secure and non-secure facilities that may hold juveniles pursuant to public authority to ensure compliance with core requirements of the JJDP Act. Nebraska's compliance monitoring manual is also referred to as the Compliance Monitoring Plan.

Procedures:

- A. Annually, the Compliance Monitor and the Juvenile Justice Specialist will be responsible to review the written Compliance Monitoring Plan to ensure policies and procedure are aligned with federal guidelines and any updates and revision are completed.
- B. Any policy updates or revisions to the Compliance Monitoring Plan will require the written approval of the Executive Director or their designee.
- C. Should any changes be made which negatively affect Nebraska Crime Commission's authority to conduct compliance monitoring activities the Office of Juvenile Justice and Delinquency Prevention will be immediately notified.
- D. For the purposes of monitoring for the JJDP Act any differences in State and Federal definitions are so noted within the plan with the understanding that Federal definitions must be adhered to.
- E. The Compliance Monitor will be responsible for the following activities contained in the manual/plan:
 - Monitoring timetable as outlined in 4.1;
 - Annual identification of barriers and strategies as outlined in 4.2;
 - Identification of violations as outline in 4.3;
 - Identification of Nebraska' monitoring universe as outlined in 4.4;
 - Classification of the Monitoring Universe as outlined in 4.5;
 - On-site inspection of facilities as outlined in 4.6; and Documenting verification of data according to 4.7 and 4.8;

Please see Compliance Monitoring Plan / Policy and Procedure Manual for the Juvenile Justice and Delinquency Prevention Act of 2002 in Nebraska: Pg. 11

(2) Authority to Monitor

The federal JJDP Act of 2002 requires that states provide an adequate system of monitoring jails, detention facilities, correctional facilities and non-secure programs to ensure compliance with the Act's three primary requirements governing the secure confinement of juveniles as well as the annual reporting of the results of compliance monitoring to the United States Justice Department's Office of Juvenile Justice and Delinquency and Prevention (OJJDP).

In Nebraska the compliance monitoring requirement has been met through the efforts of the Commission on Law Enforcement and Criminal Justice (Crime Commission); a code agency under the executive branch of state government.

Documents provided in Appendix B are evidence of Nebraska's authority to conduct compliance monitoring. These are:

- Nebraska Statute § 81-1416, §81-1423, §81-1425, and §81-1426 outlining the powers and duties of the Nebraska Commission on Law Enforcement and Criminal Justice governing State Administrative Departments.
- Nebraska Legislator’s Guide - Agency 78, pages 1–4.
- Juvenile code § 43-254.02 related to juveniles in custody.
- Governor’s Executive Orders No. 91-08 dated 7/18/1991 and No. 88-6 dated 7/20/1988.
- Nebraska Jail Standards revised 7/19/1994 and Juvenile Detention Facility Standards effective 8/8/1993.
- Nebraska Attorney General’s legal opinion relating to juvenile justice and delinquency prevention dated 7/22/1988 regarding “Safekeeping” and evaluation of juveniles under (3)(a) and (3)(b) of Nebraska Revised Statute § 43-247 at the Youth Development Centers and in adult lockup facilities.

Please see Compliance Monitoring Plan / Policy and Procedure Manual for the Juvenile Justice and Delinquency Prevention Act of 2002 in Nebraska: Pg. 10

(3) Timetable of the Compliance Monitoring Task

Statement of Purpose:

Nebraska is required to have a state monitoring plan that includes a detailed description and timetable for the following compliance monitoring tasks: identification of the monitoring universe; classification of the monitoring universe; inspection of facilities; and data collection and data verification.²

Policy:

Nebraska’s Compliance Monitoring Plan will outline a detailed description and timetable of compliance monitoring tasks which will include but are not limited to the identification and classification of the monitoring universe; inspection of facilities; data collection and verification; report writing; and provision of training and technical assistance.

Procedures:

- A. Annually, the timetable will be updated with the input of the Juvenile Justice Specialist. This will be completed during the fourth quarter of each calendar year (October – December).
- B. Monitoring universe records which include dates of inspections and target dates for future inspections; classifications; and responses to self-surveys will be utilized to assist in the identification of those facilities needing to be prioritized for on-site inspections during the next calendar year.

² 28 C.F.R. § 31.303(f)(1)

- C. The timetable will be reviewed for thoroughness of tasks, appropriateness of time lines and benchmarks, responsible parties and accuracy of processes.
- D. Quarterly, the Compliance Monitor will report to the State Advisory Group any updates to the timetable and activities conducted.

TIMETABLE OF THE COMPLIANCE MONITORING TASKS

Task	Time Period*	Process	Responsible Party	Benchmark
Identification	3rd quarter (Jan. – Mar.)	Review rosters of active licensed agencies listed as Child Caring Agencies, Substance Abuse Treatment Centers, Mental Health Center, and Intermediate Care Facilities for the Mentally Retarded. Obtained most current rosters from Nebraska Division of Public Health, Licensure Unit.	Compliance Monitor	Current and up-to-date universe of all active facilities, secure and non-secure, that may hold juveniles pursuant to public authority by June 30.
	4th quarter (April – June)	Review Nebraska Criminal Justice Directory published April/May for active law enforcement and correctional facilities.		
Classification	Ongoing	Disseminate and compile results from self-survey of facilities followed by on-site visit.	Compliance Monitor	100% of facilities within the Universe are classified by type, public or private, secure or non-secure, and residential or non-residential by June 30.
Inspection	Ongoing	Conduct on-site inspections and determine compliance with DSO, separation and jail removal. Prioritize facilities for inspection based on federal requirements, survey responses and dates of last inspection.	Compliance Monitor	100% of facilities are inspected within 3 years by conducting one-third of inspections per year (July – June) by June 30.
Data Collection	Daily	Criminal justice agencies enter information into a statewide database referred to as Nebraska Criminal Justice Information System (NCJIS). This system contains information on every individual detained in a juvenile detention center and adult jail or lockup.	Nebraska Crime Commission's Statistical Analysis Center and facilities holding juveniles under court jurisdiction.	Real time access to records and 100% of records complete and accurate.

	Monthly	Facilities submit records of data on all admissions and releases which includes demographics and charges through email or mail.	Youth Rehabilitation & Treatment Centers (Geneva & Kearney) and the Boys Town Police Department	100% of records complete and accurate.
Data Verification	Ongoing	Data records are reviewed for charges, date and time of admission and discharge, age, etc. Data verified through on-site inspections. Questions regarding data reviewed through NCJIS or records are verified through email and phone contacts.	Compliance Monitor	10% or less of all adjudicated status offenders held securely because of violating a valid court order (VCO) from July 1 – June 30. Zero status offenders held securely from July 1 – June 30.
Reporting	Quarterly	Compliance monitoring activities are reported to the State Advisory Group.	Compliance Monitor	Members of the State Advisory Group are knowledgeable on JJDP Act Compliance and can serve as a resource to the Compliance Monitor.
	2 nd quarter (Oct. – Dec.)	Complete the on-line annual OJJDP Compliance Monitoring Report.	Compliance Monitor and Juvenile Justice (JJ) Specialist	100% compliance with JJDP Act. Annual report completed by December 31.
Training & Technical Assistance	Ongoing	Training and technical assistance on JJDP Act compliance is made available to judiciary, facility, and agency staff.	Compliance Monitor, JJ Specialist and Jail Standards Division.	A minimum of four T&TA provided annually.
Barriers & Strategies	2 nd quarter (Oct. – Dec.)	Barriers and strategies are presented for discuss to the State Advisory Group for recommendations and approval.	Compliance Monitor	Action plan to address barriers developed by November 15.

Please see Compliance Monitoring Plan / Policy and Procedure Manual for the Juvenile Justice and Delinquency Prevention Act of 2002 in Nebraska: Pg. 13

(4) Compliance Violation Procedures

Statement of Purpose:

Nebraska is required by OJJDP to have a state monitoring plan that includes a description of the procedures established for receiving, investigating, and reporting complaints of JJDP Act violations of DSO, jail removal, and separation requirements. The description should include both legislative and administrative procedures and sanctions.³

Policy:

All violations of DSO, jail removal, and separation will be accepted by the Nebraska Crime Commission for further investigation and action taken, as necessary and appropriate. The Nebraska Crime Commission will respond to issues of violations with effective strength based strategies which foster and promote compliance with the JJDP Act through education, cooperation, and partnerships.

Procedure:

- A. The Compliance Monitor will serve as the primary contact for receiving, investigating, and reporting alleged compliance violations throughout the state.
- B. When a violation is reported, the Compliance Monitor will contact the facility involved to confirm the violation and circumstances of the violation.
- C. If it is determined that a violation exists the Compliance Monitor will provide the facility with a written notification of the violation, and the facility will be given the opportunity to respond within a given time frame.
- D. In addition to written notifications to facilities any judge whose direct actions result in a violation may also receive notification and be given an opportunity to respond.
- E. All notifications of violations will be accompanied by an opportunity for education and technical assistance regarding the JJDP Act and/or corrective plans of action.
- F. Facilities refusing to provide documentation responding to violation allegations will have those allegations reported as violations.
- G. The Compliance Monitor will report violations to the Nebraska Coalition for Juvenile Justice and the Nebraska Crime Commission; at their regularly scheduled meetings.

³ 28 C.F.R. § 31.303(f)(1)(iii)

- H. All documentation and correspondence regarding violations will be maintained on record at the Nebraska Crime Commission and included in the facility file.
- I. Compliance monitoring record keeping will include data collection on all violations to determine patterns of practice that exist and violate the JJDP Act.
- J. Annually, all violations will be reported to the OJJDP and included in the Nebraska Coalition for Juvenile Justice's report to the Governor and Legislature of Nebraska.

Sanctions on facilities with a pattern of violations will be considered on case by case bases and may include but not be limited to strategies involving increased levels of compliance monitoring, participation at stakeholder meetings, mandatory training, funding restrictions, and jail standards inspections.

Please see Compliance Monitoring Plan / Policy and Procedure Manual for the Juvenile Justice and Delinquency Prevention Act of 2002 in Nebraska: Pg. 15

(5) Barriers and Strategies

Barrier:

The continued use of violations of Valid Court Orders (VCO) to securely hold juvenile offenders in detention centers and jails.

Strategies:

1. Inform judges and facility staff when VCO violations occur.
2. Partner with facility administrators to educate judicial staff regarding JJDP Act core requirements and Nebraska's phasing out of VCO as of July 1, 2013.
3. Participate in Nebraska's Juvenile Detention Alternatives Initiative.

Barrier:

The lack of public awareness among the general population (i.e., youth, parents, educators) regarding the JJDP Act's core requirements of deinstitutionalization of status offenders, sight and sound separation, removal of juveniles from adult jails and adult lock-ups.

Strategies:

1. Educate OJJDP representatives of Nebraska's increased need for public awareness, and to encourage on a federal level the development of materials and resources states could utilize which promote an awareness of the JJDP Act.
2. Investigate public awareness strategies utilized by other states.

3. Develop age appropriate educational resources for use with youth, parents and educators regarding the JJDP Act. These materials will be available for distribution by agencies and programs serving youth and families.
4. Develop a public awareness long range plan for Nebraska's compliance monitoring program.

Barrier:

High rate of staff turnover experienced in the compliance monitor position. Over the last six years, this position has turned over four times causing significant amounts of time and costs to be dedicated to screening, hiring and training of new workers. This high turnover has also resulted in gaps to Nebraska's monitoring activities.

Strategies:

1. Develop all necessary components for a well-defined compliance monitoring program. These include policies and procedures, monitoring tools, recordkeeping systems and planning mechanisms.
2. Review position description (i.e., position requirements, essential duties).

Please see Compliance Monitoring Plan / Policy and Procedure Manual for the Juvenile Justice and Delinquency Prevention Act of 2002 in Nebraska: Pg. 14

(6) Terms and Definitions

The following terms and definitions are utilized for the monitoring of Nebraska's compliance with the federal JJDP Act: For the purposes of monitoring the JJDP Act any differences in State and Federal definition are so noted with the understanding that Federal definition will be adhered to.

Accused: An allegation has been made by either law enforcement or a prosecutor that an individual has committed a crime.

Adjudication: A juvenile court decision finding that the allegation(s) listed in a petition regarding a juvenile's delinquency, status offense or dependency, neglect or abuse are true or false.

Adult: Any person eighteen (18) years of age or older.

Adult Correctional Institution: Any facility designed or used for the secure confinement of convicted adult offenders sentenced to serve one year or more.

Adult Facility: Any institution that primarily houses individuals eighteen (18) years of age and older.

Age or Majority: Nineteen (19) years of age in accordance with Nebraska Revised Statute (43-245)

Adult Jail: A locked facility, administered by state, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violation criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than 1 year (28 CFR 31.304(m)).

Adult lockup: Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature that does not hold persons after they have been formally charged. (OJJDP Guidance Manual dated January 2007).

Arraignment: The initial court appearance in adult criminal court where an individual accused of committing a crime is advised of the charges listed in the criminal complaint, possible penalties and his or her rights.

Civil-type Juvenile Offender: A civil-type juvenile offender is a juvenile who has been charged with or adjudicated for an offense that is civil in nature. Examples include noncriminal traffic violations and noncriminal fish and game violations (OJJDP Guidance Manual dated January 2007).

Collocated Facilities: Collocated facilities are facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds. Defined by 28 CFR §31.303(e)(3)(i)(A).

Contact (sight and sound): Any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including adult inmate trustees. Sight contact is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other. Sound contact is defined as direct oral communication between incarcerated adults and juvenile offenders (28 CFR 31.3039d)).

Correctional Institution: Any facility operated by the Nebraska Department of Correctional Services that is designed or used for the secure confinement of individuals following sentencing or disposition of a court of jurisdiction.

Court holding facility: A secure, nonresidential facility, that is not an adult jail or lock-up, that is used to temporarily detain persons immediately before or after court proceedings (OJJDP Guidance Manual dated January 2007).

Criminal Complaint: A document filed by the prosecutor in an adult criminal court alleging the individual named has committed a crime.

Criminal Offender: An individual charged or convicted of an illegal act.

Delayed egress device: A device that precludes the use of exits for a predetermined period of time (OJJDP Guidance Manual dated January 2007).

Delinquency: Acts or conduct in violation of criminal law.

Delinquent: A juvenile who has committed an act that, if committed by an adult, would be a crime.

Dependent Child: A juvenile over whom the juvenile court has assumed jurisdiction because the care provided by the parent(s), guardian(s) is not proper or sufficient.

Detention Facility: Any facility designed or used for temporary, secure confinement of individuals accused of or convicted of committing a crime with a sentence of less than one year.

Detention Hearing: A court hearing that must be held within twenty-four (24) hours of a juvenile's confinement, excluding judicial days, determine the need and/or appropriateness of continue detention.

Disposition: A decision made by a juvenile court that directs the action(s) to be taken to correct a juvenile's delinquent behavior or is in the best interest of a dependent, neglected, or abused child.

Emancipated Adult: A person under the age of eighteen (18) years who has been completely or partially emancipated by the court and is therefore allowed to live wholly or partially independent from his or her parent(s), guardian(s), or custodian(s), enter into legal contracts and exercise other rights ordered by the court.

Federal Ward: A juvenile who is in the custody of the federal government. Such juveniles would include undocumented immigrant youth and those youth in the custody of the Bureau of Indian Affairs.

First Appearance: The initial juvenile court hearing where a juvenile is advised of the allegation(s) listed in the petition, possible consequences and his or her rights.

Jail: A locked facility administered by state, county, or local law enforcement or correctional agencies, the purpose of which is to detain adults pending the filing of a charge of violation criminal law, pending trial on a criminal charge or convicted of violating a criminal law as defined by 42 U.S.C. 5603. Section 103 (22), Formula Grant Regulation 31-304, Nebraska Revised Statute 47-117 and 47-207. Jails are primarily used for pre-trial detention or serving a sentence of less than one (1) year.

Juvenile: Any person under the age of eighteen (18) years as defined by Nebraska Statute 43-245(4). Juvenile court may exercise continuing jurisdiction until the nineteenth (19th) birthday.

Juvenile Correctional Institution: Any facility designed or used for the secure confinement of juvenile offenders as dispositional placement by a court to jurisdiction.

Juvenile Court: A separate juvenile court or county court sitting as a juvenile court in accordance with Nebraska Revised Statute 43-246, 43-247, and 43-2, 111 to 43-2, 127

Juvenile Detention Facility: Any facility designed or used specifically for the secure confinement of juvenile offenders in accordance with Nebraska Revised Statute 83-4,125.

Lawful Custody: The exercise of care, supervision, and control over a juvenile offender or non-offender pursuant to the provisions of the law or of a judicial order or decree (28 CFR 31.304(j)).

Lockup: Generally, a municipal or police facility of a temporary nature designed or used for the short-term confinement of adult offenders as defined by Formula Grant Regulation 31.304. Lockups are primarily used for short-term, pre-trial detention.

Minor: Any person under the age of 21 years of age as defined by Nebraska Revised Statute 53-103(23). The term minor is in reference the legal drinking age of alcohol.

Non-offender: A juvenile who is homeless, destitute, or without proper support through no fault of his or her parent, guardian, or custodian; who is abandoned by his or her parent, guardian, or custodian; who lacks proper parental care by reason of the fault or habits of his or her parent, guardian, custodian; whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education or other care necessary for the health, morals, or well-being of such juvenile; whose parent, guardian, or custodian is unable to provide or neglects or refuses to provide special care made necessary by the mental condition of the juvenile; or who is in the situation or engages in a occupation dangerous to life or limb or injurious to the health or morals of the juvenile as defined by Nebraska Revised Statute 43-247(3)(a). Examples include a dependent, abused, or neglected child or material witness.

Non-secure Custody: A juvenile may be in law enforcement custody and therefore, not sure to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility, but not in a secure detention or confinement status. Refer to OJJDP Guidance Manual dated January 2007 for criteria.

Non-secure Facility: Any public or private residential program which does not include construction fixtures designed to physically restrict the movements and activities of persons in custody.

Petition: A document filed by the prosecutor in juvenile court alleging that a juvenile is a delinquent, status offender or delinquent, neglected, or abused child asking the court to assume jurisdiction over the juvenile in accordance with Nebraska Revised Statutes 43-274(1), 43-275 and 43-276.

Preliminary Hearing: A criminal court hearing held only in felony cases where the prosecutor must show the there is sufficient evidence to proceed to trial in a higher court (district court).

Prison: Any facility operated by the Nebraska Department of Correctional Services that is designed or used for the secure confinement of individuals following sentencing or disposition by a court of jurisdiction.

Related Complex of Buildings: A related complex of buildings is two or more buildings that share physical features such as walls and fences, or services beyond mechanical services (e.g. heating, air conditioning, water and sewer); or the specialized services such as medical care, food service, laundry, maintenance, engineering services, etc.

Residential: pertains to facilities having the capacity to hold securely individuals overnight.

Secure Custody: As used to define a detention or correctional facility, this term includes residential facilities that include construction features designed to physically restrict the

movements and activities of person in custody, such as locked rooms and buildings, fences, or other physical structures (28 CFR 32.31.304(b)).

Sentence: A sanction imposed by a criminal court upon an individual convicted of committing a crime, usually in the form of a fine, incarceration, probation or a combination of those.

Staff Secure Facility: A staff secure facility is as a residential facility which does not include construction features designed to physically restrict the movements and activities of juveniles who are in custody therein; which may establish reasonable rules restricting entrance to and egress from the facility; and in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.

Status Offender: *This is an area where Federal and State definitions differ. For the purpose of monitoring Nebraska's compliance under the JJDP Act the Federal definition of a status offense takes precedence.* As noted below, Nebraska's minor in possession (MIP) of alcohol offense is considered delinquent. However, in regards to compliance monitoring any minor detained or jailed on a MIP, in Nebraska, will be a considered a violation of the JJDP Act's deinstitutionalization of status offenders.

Status Offender - Federal: A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(h)). The following are examples of status offenses taken from the OJJDP Guidance Manual dated January 2007:

- Truancy.
- Violations of curfew.
- Runaway.
- Underage possession and/or consumption of tobacco products.
- Underage alcohol offenses. These offenses are considered status offenses, even though state or local laws may consider them delinquent offense.

Status Offender - Nebraska: Revised Statute 43-245(17) defines a status offender as a juvenile who has been charged with or adjudicated for conduct which would not be a crime if committed by an adult, including, but not limited to, juveniles charged under subdivision (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02.

Nebraska Revised Statute 43-247(3)(b) gives the juvenile court in each county jurisdiction of any juvenile who, by reason of being wayward or habitually disobedient, is uncontrolled by his or her parent, guardian, or custodian; who departs himself or herself so as to injure or endanger seriously the morals of health of himself, herself, or others; or who is habitually truant from home or school.

Nebraska Statute defines a minor in possession of alcohol as a delinquent offense.

Nebraska Statute 53-180.02 states no minor may sell, dispense, consume, or have in his

or her possession or physical control any alcoholic liquor. Under Nebraska Statute 53-180.05 any person older than eighteen years of age and under the age of twenty-one years violating section 53-180.02 is guilty of a Class III misdemeanor. Any person eighteen years of age or younger violating section 53-180.02 is guilty of a misdemeanor as provided in section 53-181 and shall be punished as provided in such section.

Trial: An adult criminal court hearing finding that an individual is guilty or innocent of a charge(s) listed in a criminal court.

Valid Court Order (VCO): Court order given by a juvenile court judge to juvenile who was brought before the court and made subject to the order, and who received, before the issuance of the order, the full due process rights guaranteed to such juvenile by the Constitution of the United States (42 U.S.C. 5603 Section 103(16)).

Please see Compliance Monitoring Plan / Policy and Procedure Manual for the Juvenile Justice and Delinquency Prevention Act of 2002 in Nebraska: Pg. 5

(7) Identification of the Monitoring Universe

Statement of Purpose:

Identification of the monitoring universe. This refers to the identification of all facilities in the state which might hold juveniles under court jurisdiction. Every facility which has this potential, regardless of the purpose for housing juveniles, comes under the purview of the monitoring requirements. This also includes those facilities owned or operated by public and private agencies.⁴

Policy:

The Nebraska Crime Commission will maintain a current and accurate listing of all secure and non-secure facilities, operating across the state, which house juveniles. All criminal justice agencies including law enforcement and correctional facilities are annually published in a directory by the Nebraska Crime Commission. Under Nebraska State Statute § 71-1902 any private or public group home or child caring agency must be licensed to operate. This license is granted through the Department of Health and Human Services after successfully meeting a set of standards. In addition, State Statutes § 71-401 – 71-465 require all health care facilities which include substance abuse treatment centers, mental health centers, and intermediate care facilities for developmentally disabled to maintain an active license to provide services. Nebraska Department of Health and Human Services' Public Health Licensure Unit is charged with maintaining the records and rosters on all such agencies holding active licenses.

⁴ OJJDP Guidance Manual for Monitoring Facilities under the Juvenile Justice and Delinquency Prevention Act of 2002, January 2007, pg. 35.

Procedures:

- A. The Compliance Monitor will be responsible to record all identified facilities on a master list referred to as the Monitoring Universe.
- B. Annually (Jan. – Mar.), the Compliance Monitor will be responsible for identifying those facilities appropriate for the Monitoring Universe from the lists of agencies with active licenses from the Nebraska Department of Health and Human Services, Public Health, Licensure Unit.
- C. Annually, the Compliance Monitor will review the newly published (May) Nebraska Criminal Justice Directory to identify all active law enforcement and correctional agencies for inclusion in the Monitoring Universe.
- D. Any newly identified facility will be provided a self-survey and/or an on-site visit to determine appropriateness for JJDP Act compliance monitoring.

Please see Compliance Monitoring Plan / Policy and Procedure Manual for the Juvenile Justice and Delinquency Prevention Act of 2002 in Nebraska: Pg. 17

(8) Classification of the Monitoring Universe

Statement of Purpose:

Classification of the monitoring universe. This is the classification of all facilities in the state to determine which ones should be considered as a secure detention or correctional facility, adult correctional institution, jail, lockup, or other type of secure or non-secure facility. Classification also includes determining whether a facility is public or private, residential or non-residential, and whether the population is juvenile only, adult only, or juvenile and adult.⁵

Policy:

All facilities identified within Nebraska's monitoring universe will be classified according to federal standards for the purpose of accurately determining compliance with the JJDP Act.

Procedures:

- A. The Compliance Monitor will be responsible for classifying each facility within Nebraska's monitoring universe into the following four categories:
 - 1. Public or Private;
 - 2. Juvenile facility; adult facility; colocated facility;
 - 3. Residential or non-residential; and
 - 4. Secure or Non-Secure.

⁵ *OJJDP Guidance Manual for Monitoring Facilities under the Juvenile Justice and Delinquency Prevention Act of 2002*, January 2007, pg. 35.

- B. Classification will be determined through on-site visits or by surveying facilities and then conducting a follow-up on-site visit for verification.
- C. Facilities that do not respond to a self-survey will be contacted or an on-site visit will be performed. Note, facilities that have not responded to a request for a self-survey or those that have not received on-site inspections will be considered for priority on-site visits.
- D. Facility classification will be documented and recorded on the monitoring universe listing and on appropriate facility records maintained by the Compliance Monitor.

Please see Compliance Monitoring Plan / Policy and Procedure Manual for the Juvenile Justice and Delinquency Prevention Act of 2002 in Nebraska: Pg. 21

(9) Inspection of Facilities

Statement of Purpose:

Inspection of facilities. Inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping. All facilities classified as secure detention or correctional facilities, jails, lockups, and other facilities must have periodic, onsite inspections to determine compliance with the core protections. The inspection must include:

- 1. A review of the physical accommodations to determine whether it is a secure or non-secure facility or whether adequate sight and sound separation between juvenile and adult offenders exists and
- 2. A review of the record keeping system to determine whether sufficient data are maintained to determine compliance with DSO, jail removal, and separation.⁶

Policy:

- A. Throughout the calendar year, the Compliance Monitor will inspect facilities to ensure an accurate assessment of each facility's classification and record keeping. The inspection will include:
 - 1. A review of the physical accommodations to determine:
 - a. Secure/Non-secure classification
 - b. Juvenile, adult, or colocated classification
 - c. Private or public classification; and
 - d. Sight and sound separated compliance (if applicable).
 - e. Rural Exception (if applicable)
 - 2. A review of the record keeping system to determine whether sufficient data are maintained to determine compliance with the DSO, jail removal, and separation core requirements.

⁶ 28 C.F.R. § 31.303(f)(1)(i)(C)

3. A report on each facility's compliance or noncompliance will be made available as a record of findings of the inspection.
- B. The Compliance Monitor will perform site inspections according to the following:
1. All facilities new to the JJDP Act compliance universe will receive a site inspection.
 2. All colocated facilities will receive a site inspection each year.
 3. Annually, at least 10% of all adult jails and lockups will receive a site inspection each year; the entire adult jail and lockup universe will receive a site visit within three years.
 4. Annually, at least 10% of all residential treatment facilities will receive a site inspection each year; the entire residential treatment facility universe will receive a site visit within three years.

Procedures:

- A. The Compliance Monitor will contact facility administrators to schedule a date and time for a site inspection.
- B. The Compliance Monitor will perform the following tasks at each facility inspection:
1. Review the physical accommodations and complete the following forms:
 - a. Sight and Sound Separation Checklist (if applicable)
 - b. Rural Exception Check List
 2. Obtain a facility layout.
 3. Obtain a copy of the facility's policies and procedures.
 4. The Compliance Monitor will determine how each facility maintains its records on juveniles and will provide training and technical assistance when needed.
 5. To determine accuracy of the records, the Compliance Monitor will compare the information submitted by the facility with the original data source maintained by the facility records.
 6. The Compliance Monitor will make its Compliance Monitoring On-Site Summary Results available to the facility as a record of findings of the inspection.
- C. The Compliance Monitor will address issues of facilities' non-cooperation with site inspection requests with the Jail Standards Division.
- D. The Compliance Monitor will maintain site-inspection records in the facility file and will document activity on the Compliance Monitoring Universe Master List.

Please see Compliance Monitoring Plan / Policy and Procedure Manual for the Juvenile Justice and Delinquency Prevention Act of 2002 in Nebraska: Pg. 21

(10) Data Collection

Statement of Purpose:

Data collection. Data collection and reporting are required to determine whether facilities in the state are in compliance with the applicable requirements of DSO, jail removal, and separation. The length of the reporting period should be 12 months.⁷

Policy:

To ensure compliance with the JJDP Act of 2002 and in accordance with Nebraska Jail Standards and Juvenile Detention Facility Standards all adult jails, lockups, and juvenile detention facilities will be required to submit admission and release data to the Nebraska Crime Commission.

The Nebraska Crime Commission's Statistical Analysis Center will maintain a web-based statewide information sharing system referred to as Nebraska Criminal Justice Information System (NCJIS). Daily, this system will pull information from the databases of criminal justice agencies throughout the state of Nebraska. Information in NCJIS will be maintained for an indefinite period of time. Facilities will be required to enter inmate information during each individual's booking process including charges and date and time of admission and discharge. Any secure facility which may hold juveniles pursuant to public authority and not using NCJIS will be required to submit paper records on a monthly basis to the Nebraska Crime Commission.

Procedures:

- A. The Compliance Monitor will be responsible for collecting relevant information on a 12 month reporting period based on a fiscal year, July 1 through June 30.
- B. The Compliance Monitor will be certified to access information through NCJIS by the Nebraska Crime Commission, Information Services Chief.
- C. Routinely, the Compliance Monitor will collect admission and release records from the NCJIS system.
- D. Monthly, the Compliance Monitor will collect admission and release information on paper records either through email or mail from those facilities not using NCJIS (i.e., Youth Rehabilitation and Treatment Centers in Kearny and Geneva, Boys Town Police Department).
- E. All paper records of admissions and releases not retrievable through NCJIS will be considered confidential and maintained by the Compliance Monitor for a period not to exceed seven years from booking dates.

⁷28 C.F.R. § 31.303(f)(1)(i)(D)

Data Verification– Valid Court Order (VCO) Monitoring Process

Statement of Purpose:

Data verification. If the data is self-reported by the facility or is collected and reported by an agency other than the state agency receiving federal grant funds, the plan must describe a statistically valid procedure used to verify the reported data.⁸

The state must have a system in place to verify whether court orders used to hold adjudicated status offenders in juvenile detention centers comply with the Valid Court Order exception requirements. At a minimum, the state must randomly verify 10 percent of all adjudicated status offenders held securely because of violating a valid court order.⁹

Policy:

The Nebraska Crime Commission will verify data collected for the purpose of state compliance with JJDP Act requirements of DSO, jail removal, and separation. This policy works in conjunction with the Data Collection policy and procedures.

Procedures:

- A. Monthly, the Compliance Monitor will be responsible to review Nebraska Criminal Justice Information System (NCJIS) and paper records submitted for completeness of information including facility type, booking dates and times, and charges.
- B. The Compliance Monitor will contact the facility regarding any information which appears incomplete or questionable.
- C. Any corrections to data will be noted by the facility and/or Compliance Monitor.
- D. Verification of booking information will be conducted during on-site compliance monitoring.
- E. The Compliance Monitor will verify a random sample of at least 10% of all adjudicated status offenders held securely because of violating a valid court order (VCO). In these cases, facility records will be reviewed for documentation which ensures that prior to secure detention the following conditions were met:
 - 1) A Probation Officer was promptly notified.
 - 2) A juvenile detention screening was conducted within 24 hours.
 - 3) Within 48 hours a juvenile detention screening was submitted to the court.

⁸28 C.F.R. § 31.303(f)(1)(i)(D)

⁹ OJJDP Guidance Manual for Monitoring Facilities under the Juvenile Justice and Delinquency Prevention Act of 2002, January 2007, pg 24.

- 4) Within 48 hours the court conducted a hearing to determine whether there was reasonable cause to believe the juvenile violated the order and the appropriate placement of the of juvenile pending disposition of the alleged violation.

F. VCO compliance violations will be dealt with according to the Compliance Violation Procedures.

G. Applicable Nebraska Statutes regarding use of VCOs are:

§ 43-250 A juvenile taken into custody pursuant to a legal warrant of arrest shall be delivered to a probation officer to determine the need for detention of the juvenile.

§43-253 No juvenile who has been taken into temporary custody shall be detained in a secure detention facility for longer than 24 hours, excluding non-judicial days, unless such juvenile has appeared personally before a court of competent jurisdiction.

§ 43-260 requires all probation officers to utilize a standardized juvenile detention screening instrument. This screening instrument is used as an assessment tool statewide by probation officers in order to determine if detention of the juvenile is necessary and, if so, whether secure or non-secure detention is indicated. Probation officers trained to administer the juvenile detention screening instrument shall act as juvenile intake probation officers. The intake officer has 24 hours excluding non-judicial days to notify the court of the detention decision.

§ 43-255 outlines whenever a juvenile is detained the juvenile shall be released unconditionally within 48 hours after the detention, excluding non-judicial days, unless within such period of time a petition has been filed alleging that such juvenile has violated an order of the juvenile court, a petition has been filed pursuant to section 43-274 or a criminal complaint has been filed in a court of competent jurisdiction.

Please see Compliance Monitoring Plan / Policy and Procedure Manual for the Juvenile Justice and Delinquency Prevention Act of 2002 in Nebraska: Pg. 23-24

4. Plan for Compliance with the Disproportionate Minority Contact (DMC) Core Requirement

The Part-time DMC coordinator will collect data from the 9 contact points of the current 14 jurisdictions being reported. This data will be input into the DMC web database reporting system. After the reports are generated they will be assimilated to the local jurisdictions and analyzed for trends to validate any reduction in DMC numbers.

Activity	Position Responsible	Time Frame	Projected Outcome
Identify and collect DMC data counties in Nebraska. Submit data to the OJJDP annually.	DMC Coordinator	Outreach to data holders in July; collect data August - September; submit report to OJJDP in October; release information to stakeholders in November.	Nebraska will maintain compliance with the JJDP Act requirement; counties will be able to access RRI information.
Review data to determine which counties have DMC.	DMC Coordinator	October	Local communities will become more educated and involved in addressing DMC.
Provide technical assistance and education: 1. provide information on DMC and the DMC reduction model 2. Prepare and implement DMC awareness training for DMC counties	DMC Coordinator The Juvenile Justice Specialist may also refer individuals or communities to the DMC Coordinator.	On-going – the Coordinator may offer technical assistance via email, phone, written, or face to face communication.	Local DMC committees will use data to drive decisions.
Serve on the Grant Review Team - read and critique juvenile justice applications.	DMC Coordinator	Participate in review of six juvenile funding streams in February, March and May.	Provide expertise in DMC and ensure applicants are using data to drive programming requests.
Coordinate efforts with Juvenile Justice Specialist.	DMC Coordinator	Ongoing	Collaboration and efficiency in work plan and strategy.
Maintain contact with local DMC Committees Follow up on assistance to other counties	DMC Coordinator	Ongoing	Local communities will become more educated and involved in addressing DMC.
Attend Statewide DMC Subcommittee meetings; attend NCJJ meetings when feasible.	DMC Coordinator	Attend meetings in March, June, September, and December	Increase knowledge of NCJJ members and stakeholders.
Participate in educational opportunities sponsored by the OJJDP.	DMC Coordinator	Quarterly DMC conference calls, annual conference typically in October	Maintain compliance and increase knowledge.

Plan for Compliance with the Disproportionate Minority Contact (DMC) Core Requirement

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Phase I Identification

1. Updated DMC Identification Spreadsheets:

Nebraska is currently submitting data for 14 counties including Douglas, Lancaster, Sarpy, Thurston, Cherry, Colfax, Dakota, Dawes, Dawson, Hall, Madison, Platte, Saunders and Scottsbluff counties.

County	Juvenile Population	Percent of State Population
Douglas	58,392	28%
Lancaster	28,363	14%
Sarpy	20,686	10%
Cherry	574	< 1%
Colfax	1,229	<1%
Dakota	2,656	1%
Dawes	767	< 1%
Dawson	3,080	2%
Hall	6,968	3%
Madison	3,693	2%
Platte	3,706	2%
Saunders	2,426	1%
Scottsbluff	3,873	2%
Thurston	1,003	<1%

These counties were identified due to significant increases in minority population, particularly Hispanics due to an increase in industries which target Hispanics (Colfax, Madison, Dawson, Hall, Platte), interest in addressing DMC issues (Sarpy), and identifying DMC as a priority in their county comprehensive juvenile plan (Lancaster, Douglas). However due to the complexity of data collection with these 14 counties we will only continue to collect data for counties who have at least 1% or more of Nebraska's Juvenile population from 10-17 years of age. Although Saunders County meets the 1% threshold the diversity of the county does not allow for an adequate analyst of DMC thus we will no longer track DMC data in Saunders County. Although we will no longer track counties that do not meet the 1% or greater of the state's population we will continue to provide training and support to counties regarding DMC issues.

County	Juvenile Population (10-17)	Percent of State Population (10-17)
Douglas	56,435	28%
Lancaster	26,823	14%
Sarpy	19,108	10%
Dakota	2,754	1%
Dawson	3,030	2%
Hall	6,766	3%
Madison	3,819	2%
Platte	3,801	2%
Scottsbluff	3,883	2%

Insert Douglas County Relative rate index data table

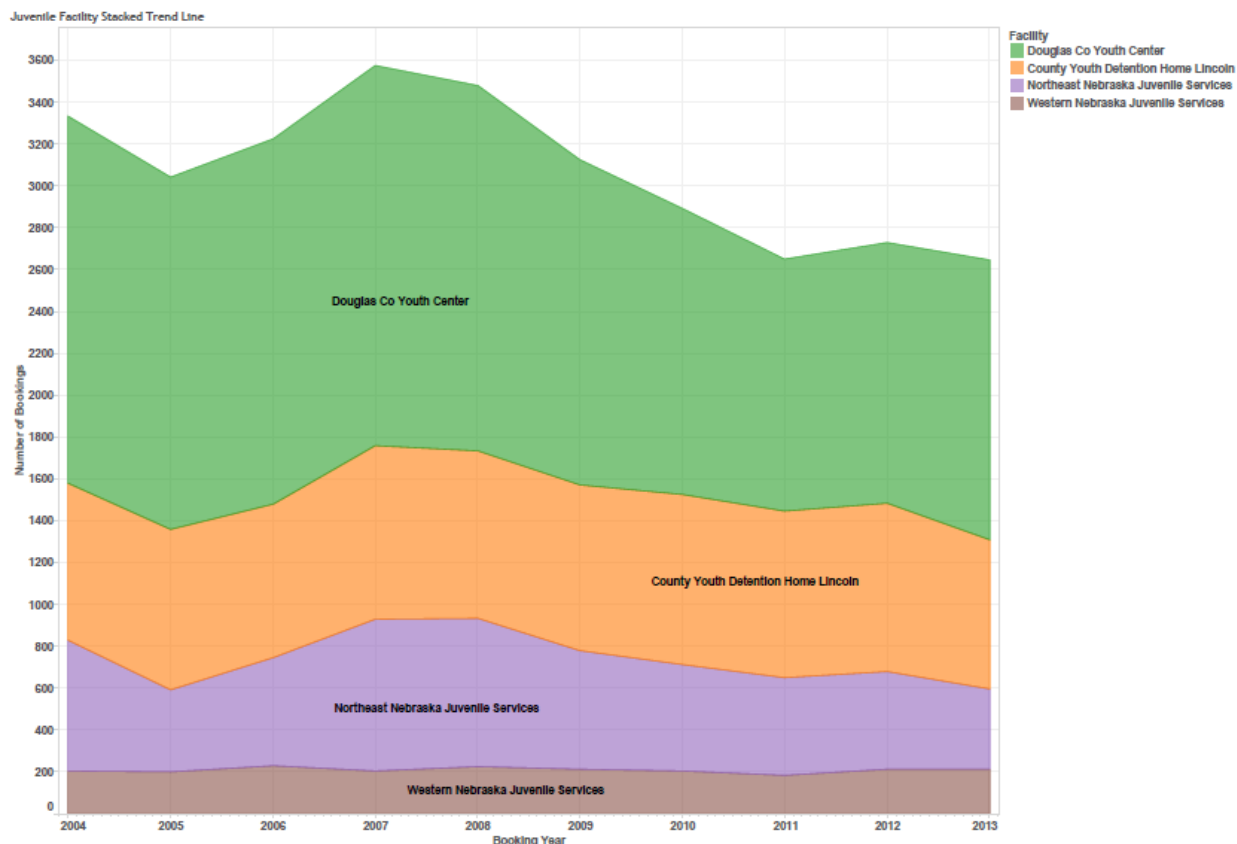
In an effort to in depth, Nebraska is focusing on the following three counties:

1. Douglas
2. Lancaster
3. Sarpy

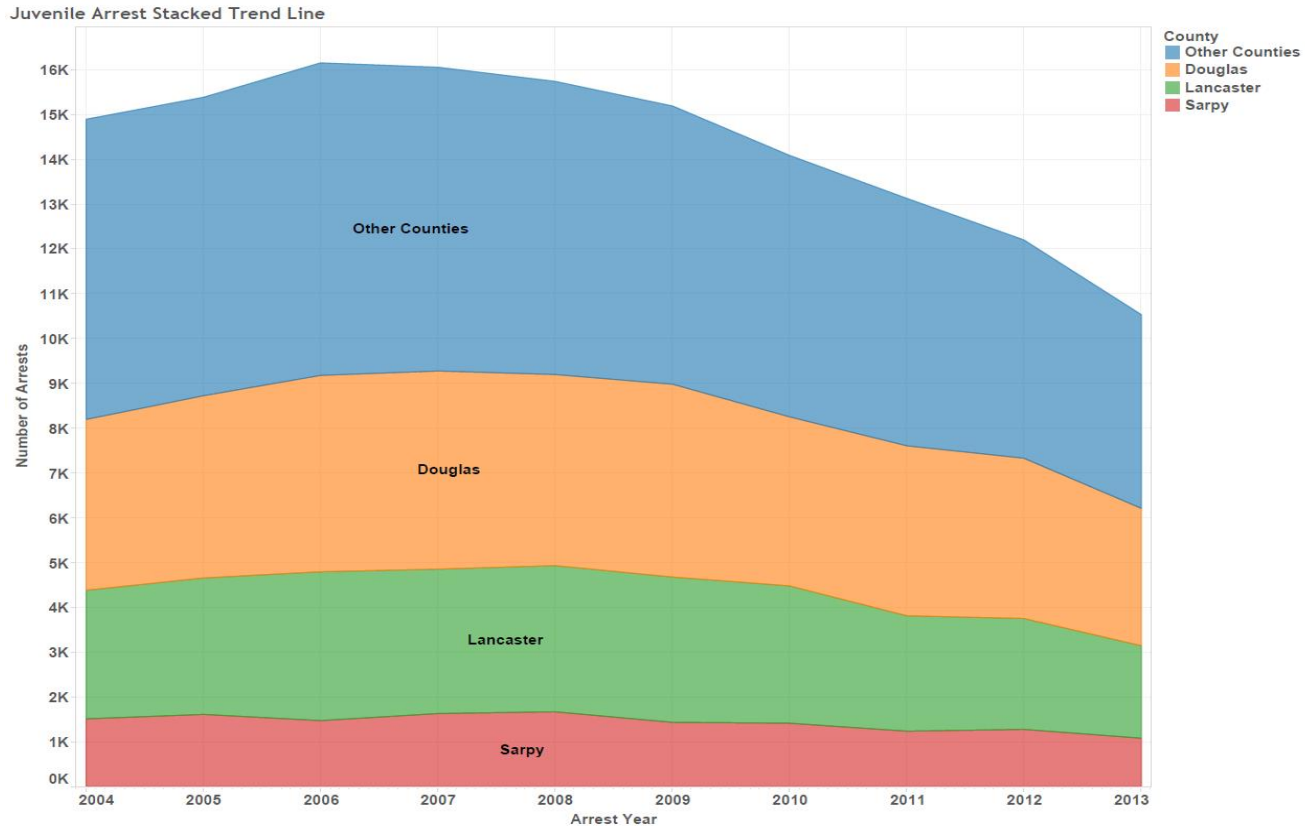
These three counties have 107,441 of Nebraska's 201,292 total youth population 10-17, which is nearly 53% percent of the 10-17 year old youth in Nebraska. Nearly 87% of the youth in Nebraska are classified as white age 10-17; 23% are classified as Non-white. The Hispanic population has grown in rapid bursts since the late 1990's due to meat packing plant industries.

Douglas, Lancaster, and Sarpy counties have 8 years of data (2006-2014) in which to make comparisons. Of the nine (9) contact points for the state, the most disconcerting RRI's for 2014 are in these three (3) areas:

1. **Secure Detention** – in 2010, minority youth were over two times more likely (RRI of 2.21) to be placed in secure detention. In 2009, the RRI was 1.72; Even though fewer minorities were placed in secure detention with the decrease in the minority population the disparity still rose.



2. Juvenile Arrests – WAITING ON DATA minority youth are about two times more likely to be placed under juvenile arrest than their Caucasian peers. The RRI for 2010 rose slightly (1.72 in 2009 to 2.02 in 2010).



3. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities
WAITING ON DATA– minority youth are two times more likely to be placed at in the state’s correctional rehabilitation centers than that of the majority white youth.

The most dramatic shifts in the Time Trend Reports for 2014 WAITING ON DATA appear to be in the increase of arrest in Douglas County 2010. Conversely, Douglas County decreased the number of placements to the correctional rehabilitation center since 2008 significantly to the 2010 year. Lancaster County dramatically decreased secure detentions from 2008 to 2009 however it returned to almost the same level as 2008 in 2010. The time trend reports for Sarpy County appear to be fairly level

DMC Data Discussions:

Nebraska has strengthened its data collection process and enhanced its ability to rely on data driven approaches to DMC reduction. Much of this progress can be contributed to several factors; one is the DMC Subcommittee and Local DMC Committees. Committees are active in Douglas, Lancaster & Platte.

The data team at the Nebraska Crime Commission has taken steps to enhance data collection for the purpose of DMC reduction. They have worked closely with the DMC Coordinator to better understand DMC and the role and needs of DMC committee's state wide. They have also taken the time to become more familiar with analyzing DMC data. We are now able to work together in an effort to educate reporting agencies on the importance of gathering as much information as they can on the youth they come into contact with. We still have a very high percentage of youth who fall into the category of "unknown". In addition we have counties who are not yet able to disaggregate the number of youth who identify as Hispanic from white youth. This makes it difficult to gauge disproportionalities of youth at certain points of contact within the Juvenile Justice system. The Nebraska Crime Commission's data team is committed to assisting the DMC efforts by utilizing every resource available to try and identify gaps in data collection for more accurate data tables which can help lead to more accurate approaches to DMC reduction.

DMC Committees

Douglas, Lancaster, Sarpy and Platte have active committees within each of their counties. The committees have been in operation for a several years. DMC committees are active in Platte and Douglas County. Lancaster County has a RED (Racial and Ethnic Disparities) committee. Nebraska has two local JDAI sites: Douglas County and Sarpy County.

Douglas County:

The Douglas County DMC committee is continually working to improve and make adjustments which will decrease DMC throughout all contact points). With the collaboration of the Annie Casey Foundation and the Burns Institute; DMC issues are continuously being addressed and possible solutions to particular problems are being formulated. The Family Engagement Liaison is a grant funded position to address the high recidivism of youth who do not receive visits within 30 days (68%). The Liaison sends out a survey to parents of youth at the Youth Center for 3-5 days inquiring about their child as a student along with Tips for Getting Involved in Your Child's Education.

A Career Center Liaison is another grant funded position to help encourage a career direction for the students in the Youth Center. The goals include identifying student strengths for college or employment. Potential employers and Community Agencies with helpful programs are scheduled to share information with students regarding job opportunities or agency possibilities for detainees. The Students are afforded the opportunity to speak directly to individuals in place to assist in providing information about jobs and or summer programs. A Job Fair is scheduled for April 2015 to introduce youth to potential employers.

DMC is preparing Community Surveys to gather additional information regarding runaway youth. This survey is still under construction and there will be more information to come.

DCYC now has an electronic folder for each student. This will allow the updated student schedule to be sent to the school or court personnel. Students who graduate at DCYC may start on-line classes at Metropolitan Community College at no cost. This partnership recognizes that some students may be less motivated if

facing serious charges. These scholarship students otherwise choose not to participate in the required classroom curriculum.

Adopt a Unit is a DMC community outreach to encourage community agencies to adopt a unit on a monthly basis to encourage students to attend class, earn credits and/or maintain proper behavior in class. Sponsors may purchase pizza and soda for those successful units and share lunch together at the Youth Center. This has allowed many agencies and church groups to share information about the services they provide while encouraging earning credits for graduation.

Lancaster County:

The DMC Committee is a group of community based and juvenile justice professionals who review data concerning the number of minority youth in the juvenile justice system. This committee identifies and reduces gaps in prevention and intervention services for underserved and underrepresented youth through data collection and case management, promoting and supporting culturally relevant, evidence bases programming. Meetings are held each month at the Lincoln Police Department.

With the passing of Legislative Bill 561 all supervision of delinquent juveniles from the Department of Health and Human Services (DHHS) Office of Juvenile Services (OJS) are now being supervised by Nebraska's Office of Probation Administration. These changes are intended to decrease the dependency on juvenile detention center stays, place more emphasis on rehabilitation, increase family engagement, and provide more services at the community level.

General Purpose Statement: To reduce the over-representation of minority youth in the juvenile justice system at every level of the system.

Measurable Objectives:

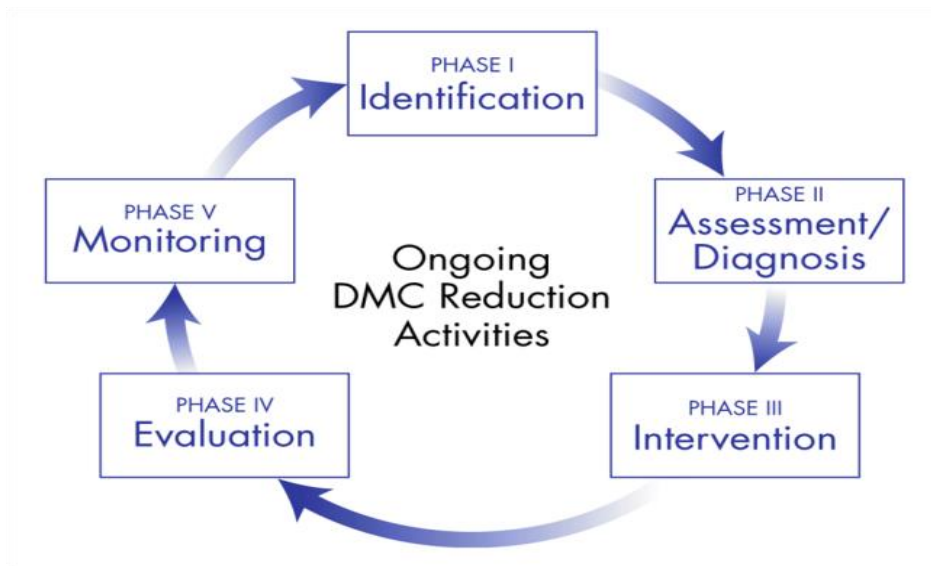
1. Identify and reduce gaps in prevention and intervention services for underserved and underrepresented youth
2. Promote awareness.
3. Promote and support relevant evidence bases programming.
4. To decrease the funding barriers for treatment.

Key Projects:

- Latino Information Fair
- English-Spanish booklet of community programs
- Juvenile Justice Brochure translated to Spanish and Vietnamese
- Juvenile Justice flow chart translated to Spanish
- Minority rate data collection and annual report

Sarpy County: does not have a DMC Committee at this time. They currently address issues through the work of their Juvenile Justice Planning committee. They are also a newly assigned JDAI site which will establish a DMC Committee.

Sarpy County receives grants from the Crime Commission for Juvenile Services, County Aid and County Aid Enhancement. None of these funds specifically target DMC initiatives however they target all of the youth in the community



Omaha's Juvenile Justice Institute to assessment was funded by Grant partment of Justice's Office of lock Grant. The DMC Assessment

has been attached.

1. **Arrest data:**

This data is collected at the Nebraska Crime Commission. One staff person is dedicated to collecting the Uniform Crime Report (UCR) data for all 93 counties which is cumbersome at times. As the DMC coordinator started working with communities and presenting data, many communities would say their arrest or detention numbers were not correct. There seems to be discrepancies between what local agencies report and what they, in turn, report to the Crime Commission. This is an issue that we plan to continue working with the Crime Commission staff to determine the cause(s). Most of the reports sent to the Crime Commission from county courts are not finalized or sent to them until mid year or later. Problems with inconsistent reporting of race by law enforcement are common. The citations have a blank for race; many times race is not filled in. In addition, there is no place to identify ethnicity.

2. **Juvenile Petition data:**

Recently the courts have been working to update how race is reported. In many places, the courts continue to utilize data from the citation which is a problem if no information was indicated on the citation or it is incorrect. In previous years, it was determined that no training was provided on how to fill out the form which reported race information to the court's computer system which in turn generates data reports. Further training and education is recommended to insure accurate information is being placed into the computer systems.

3. Transfer/Waiver:

Nebraska is one of the few states where youth may have charges filed in adult court and then can be transferred to juvenile court. Historically problems collecting data from the county level has been a barrier. Counties can and have taken as long as six months to report information and have changed information several times. This has not changed within the past three years. Continued efforts to work with county attorneys and court staff will be a priority.

4. Other:

- a. It was determined various agencies still use different race/ethnicity categories. Criminal/Juvenile justice agencies do not consistently use the Census categories.
- b. The DMC coordinator accesses various databases and contacts to gather the information. There is no central information system that connects all the agencies and their data. There have been some slight improvements and presently fewer databases are needed to retrieve the information.
- c. Previously, to address these issues, a staff person from the Minority Justice Task Force from the Supreme Court was added to the DMC subcommittee. This brought continuity to other state level efforts aimed at a variety of issues that will also assist in impacting DMC at the juvenile level statewide. Initiatives to standardize race categories and gather better race data that will help address the issues listed above. Efforts will continue to work together on updating and formalizing improved data entry and collection capabilities.

Through positive working relationships with probation, DHHS for YRTC data, and the Crime Commission for diversion data, accessing those data points is simplified, but still fragmented.

Phase III. Intervention

C. Progress Made from 2011-2014:

The DMC subcommittee had four (4) primary activities for 2011-2014: training, intensive technical assistance, funding, and data collection.

1. Training:

The DMC subcommittee developed work groups for DMC education, implicit bias & media publications. Training was requested to support Disproportionate Minority Contact (DMC) efforts in Nebraska. The request was to both more deeply familiarize DMC members with the concepts around DMC and to provide a template for strategic planning to ensure movement in DMC.

In the local jurisdiction of Douglas Lancaster and Sarpy county several trainings have been held to determine the readiness of such efforts as the Burns Institute and Annie E. Casey Foundation to determine the readiness

of such jurisdictions on the drive toward undertaking DMC issues. The trainings assisted Douglas and Sarpy counties in becoming JDAI sites.

2. Intensive Technical Assistance:

Over the past year, the DMC coordinator has been active in assisting and attending DMC Subcommittee meetings and DMC Local Committee meetings in Douglas, Lancaster, and Platte counties. These committees have continued to include DMC as a priority in their local comprehensive juvenile services plan. Lancaster County has a subcommittee looking at local DMC / Racial and Ethnic Disparities initiatives. They began by looking at each point in the system and the data collected by the previous and current DMC coordinators. They have been able to implement a minimal cost solution to a problem with juvenile warrants and addressing the issue of minimal minority staffing in youth serving agencies. They also continue to expand and enhance their diversion and graduated sanctions programs, which has impacted DMC in some areas. They continue to meet and provide monthly trainings for their members.

3. Funding:

Funding has been focused on programs in DMC counties.

Based on evaluation data, most counties were finding that a large percentage of youth not signing up for diversion were minority youth. They set out to determine what the barriers were for these youth and work to get them into diversion. This program has become a stable component of the county's diversion program and they have assumed full funding of the program. Other areas of the state plan, particularly diversion and alternatives to detention, while not solely focused on DMC have an impact on DMC in communities. As data collection improves, particularly for diversion, enhanced documentation of how these programs have had an impact is expected. The Coalition will continue to support funding for these programs. In the previous 3 year plan Diversion was a priority. The state has significantly impacted this contact point with the help of funding Diversion programs in all of the DMC counties.

4. Data collection:

Previously, data was collected on all of the fourteen (14) identified counties with the most significant minority population and provide data to counties who request technical assistance. However several of the county's population size would not justify the amount of volume needed to properly asses any DMC issues. Thus, it was decided that the number of counties collecting DMC data will be reduced. It was determined to be ineffective to seek DMC data on smaller counties when the county is not diverse with very small contact point numbers. The DMC planning and efforts in local communities are driven by the data we collect in the matrix. The matrix will also be implemented in the county planning efforts through the Crime Commission, not only to assess DMC but to help counties at each decision point in the system. The data issues we have encountered were described above. Nebraska will also look for additional tools, such as checklists, to utilize when reviewing grants for funding. DMC questions or issues will always be addressed or discussed as to

how this program or grant request will assist all in ensuring equal and fair treatment for every youth in the juvenile justice system, regardless of race and ethnicity. The DMC committee will also make it a goal to create a model data collection system that will give credibility to all facets of the justice system to be able to address some of the previous barriers discussed.

DMC Reduction Plan for FY 2012-2015

1. Data Collection and Information System Improvement

The DMC coordinator, DMC Subcommittee, and JJ Specialist will work to rectify data collection issues occurring across the state. As a recommendation in the state DMC assessment, and discussed above, the capturing of DMC data at different points of the system will be a major priority in the state. We will develop a model data collection system that all facets of the juvenile justice system can feel confident in the validity of the data. The following activities will be the foundation of improving data collection starting 2015:

- Establishing a statewide understanding of the common definitions used to describe contact points in the Juvenile justice system
- Encourage individual communities to formulate separate DMC committees and establish their own common definitions in respect to what will be established statewide.
- Encourage individual communities to identify the best data collection system and how to best utilize it
- Identify particular gaps in the data collection system and un-captured data and encourage the remedies to such shortcomings
- Identifying all entities from which data is collected and the specific issues related to data collection. Prioritizing and addressing data issues that can be easily fixed first followed by those that will take more collaboration (DMC Coordinator, JJ Specialist, DMC Subcommittee – on-going).
- Supporting efforts put forth by the Minority Justice Committee in standardizing race/ethnicity data collection through the courts (DMC Coordinator and DMC Subcommittee member, who serves on the Minority Justice Committee).
- Posting the DMC matrix data on the Crime Commission and Juvenile Justice Institute websites
- Hosting a statewide DMC Conference or retreat annually

2. Education

It is necessary to continue to educate stakeholders and the community about DMC issues. Education initiatives will continue from the previous plan by arranging training opportunities at every point in the system: law enforcement training center, County Attorney's Association meetings, Judges meetings, initial

and ongoing probation officer training, Drug Courts, Juvenile Detention, Jails, Office of Juvenile Services/YRTC facilities. Other education/training initiatives include highlighting successful programs/interventions in statewide newsletters, on the Crime Commission website, etc. One particular component that is lacking in the state is the collaboration or engagement of more community members and stakeholders. The following activities will be the foundation of improving education starting 2015:

- Scheduling presentations at the different system point locations listed above. DMC brochure will be completed to provide initial awareness of DMC issues (DMC Coordinator).
- Scheduling local training upon request (DMC Coordinator).
- Developing articles to include in various newsletters statewide (DMC Coordinator and subcommittee).
- Developing a DMC section on the Crime Commission website (DMC Coordinator and subcommittee, JJ Specialist).
- Presenting at statewide conferences upon request (DMC Coordinator, subcommittee, JJ Specialist).
- Continuing all education and training efforts listed above.
- Present DMC issues and opportunities to impact DMC at local community events and sites
- Conducting stakeholder meetings and attending local DMC Committee meetings in the communities where DMC data is collected (DMC Coordinator, JJ Specialist).
- Forwarding information to DMC committee members for distribution to their full membership. Information such as Annie E Casey articles, Burns Institute publications, JDAI helpdesk info, etc. (JJ Specialist).

3. Local/State Initiatives

Technical assistance to communities wanting to impact DMC issues at the local level will continue to be provided. To further engage communities– the DMC Coordinator and JJ Specialist will be pro-active in contacting counties. Both the DMC Coordinator and JJ Specialist will offer to conduct presentations about DMC, local issues, help develop DMC subcommittee's, and work to identify local programs/policies/services, which will impact the area of disproportionately. Title V funds are designated for local DMC initiatives. DMC data is also required in JABG applications. Programs or agencies wishing to apply for Crime Commission funding have asked for information and additional explanations or information concerning DMC during the application process.

The collaboration with the Burns Institute has started some facilitation of some key DMC issues that will further move toward solutions in key DMC issues. Currently the work group has been formulated to looking into a small portion of the detention population that is failing to appear in court with no major law violations. JDAI has already started several subcommittees focused on Data, Alternatives to detention, Admissions and DMC. This work group has already started key work in assessing how effectiveness of the state YLS screening instrument. The work group has set a retreat to revamp the current Screening tool to be more effective and assurance of the absence of implicit bias.

Currently the JJ Specialist and DMC Coordinator have attended and will be attending counties identified as DMC Counties. They attend DMC Committee meetings as well as present educational/training information

to county board members, law enforcement officials, and diversion or after-school program administrators. The DMC Coordinator attends a local DMC committee at least monthly.

Materials provided to individuals/families or the judicial systems have been translated into several languages, including Spanish, Vietnamese, Sudanese, and Arabic.

Platte County has utilized Title V funding to expand their juvenile diversion programming to assist Hispanic youth. They have retained a bi-lingual diversion worker to assist with their diversion curriculum and communicate with the parents/guardians of their juveniles. They have also utilized their County Aid grant dollars to contract several interpreters to assist in translation with the growing Hispanic population.

Reducing Racial and Ethnic Disparities is a core strategy of the Juvenile Detention Alternative Initiative (JDAI) being implemented in Nebraska. Local sites and the state work are working to ensure that all JDAI work is viewed through a racial and ethnic disparity lens, realizing that this issue impacts the whole juvenile justice system. The Douglas County site is currently focusing their targeted work on youth of color being detained on warrants. The work groups are looking at this issue from a variety of lens's including case processing, runaway concerns and alternatives to detention. Nebraska Probation is currently evaluating the statewide risk assessment tool used at intake, a piece of this evaluation will look at any issues regarding DMC.

Phase IV. Evaluation

There is not a formal DMC evaluation plan at this time. With the completion of the DMC state assessment key recommendations have been noted.

The DMC coordinator plans on working with the JJ specialist in the development of grants that are received. The goal is to include more accountability in the grants that are awarded so we can effectively evaluate the programs that are impacting DMC issues.

Efforts will continue with Douglas County, more specifically with their detention assessment and efforts for alternatives to detention placement; the Juvenile Assessment Center and youth being referred to alternative programming such as diversion, afterschool programs, etc.

All grants that are received from the Crime commission are monitored however the process can be greatly enhanced to account for the successes and shortcoming of the programs we use to assist in the reduction of DMC

- The DMC coordinator and DMC subcommittee will continue to monitor and support efforts going on in Douglas, Lancaster and Sarpy counties; as well as other counties which request assistance.
- The DMC coordinator meet stakeholders in those counties, begin presenting data and helping develop DMC committee's locally, and assist counties in developing specific strategies. Where applicable, counties will be encouraged to access Title V funds. Communities receiving technical assistance will be encouraged to be involved in the state subcommittee and will be asked to come provide information to the state subcommittee.

Youth who are in need of a higher level of treatment will be provided with the level of care they need, not what is readily available. Conversely, youth needing a lower level of treatment or programming will be provided with what is best for them. The best method to track success will be the outcomes for each individual youth. Recidivism rates for individuals will be checked within each program in which they are participating. Communication and contact with individual providers will be essential. This will be discussed and built into any evaluation component(s) of our overall assessment to be completed within the next three (3) years.

Phase V. Monitoring

The DMC Coordinator and JJ Specialist will use the following strategies with regard to monitoring:

- Continuing to provide technical assistance in counties and monitor local initiatives.

We will continue to work with OJJDP, Burns Institute and JDAI on the best practices available in monitoring DMC and evaluation of policies and programming.

1. Arrest data:

This data is collected at the Nebraska Crime Commission. One staff person is dedicated to collecting the Uniform Crime Report (UCR) data for all 93 counties which is cumbersome at times. As the DMC coordinator started working with communities and presenting data, many communities would say their arrest or detention numbers were not correct. There seems to be discrepancies between what local agencies report and what they, in turn, report to the Crime Commission. This is an issue that we plan to continue working with the Crime Commission staff to determine the cause(s). Most of the reports sent to the Crime Commission from county courts are not finalized or sent to them until mid year or later. Problems with inconsistent reporting of race by law enforcement are common. The citations have a blank for race; many times race is not filled in. In addition, there is no place to identify ethnicity.

2. Juvenile Petition data:

Recently the courts have been working to update how race is reported. In many places, the courts continue to utilize data from the citation which is a problem if no information was indicated on the citation or it is incorrect. In previous years, it was determined that no training was provided on how to fill out the form which reported race information to the court's computer system which in turn generates data reports. Further training and education is recommended to insure accurate information is being placed into the computer systems.

3. Transfer/Waiver:

Nebraska is one of the few states where youth may have charges filed in adult court and then can be transferred to juvenile court. Historically problems collecting data from the county level has been a barrier. Counties can and have taken as long as six months to report information and have changed information several times. This has not changed within the past three years. Continued efforts to work with county attorneys and court staff will be a priority.

4. Other:

- a. It was determined various agencies still use different race/ethnicity categories. Criminal/Juvenile justice agencies do not consistently use the Census categories.
- b. The DMC coordinator accesses various databases and contacts to gather the information. There is no central information system that connects all the agencies and their data. There have been some slight improvements and presently fewer databases are needed to retrieve the information.

Previously, to address these issues, a staff person from the Minority Justice Task Force from the Supreme Court was added to the DMC subcommittee. This brought continuity to other state level efforts aimed at a variety of issues that will also assist in impacting DMC at the juvenile level statewide. Initiatives to standardize race categories and gather better race data that will help address the issues listed above. Efforts will continue to work together on updating and formalizing improved data entry and collection capabilities. Through positive working relationships with probation, DHHS for YRTC data, and the Crime Commission for diversion data, accessing those data points is simplified, but still fragmented.

Phase III Intervention

C. Progress Made from 2009-2011:

The DMC subcommittee had four (4) primary activities for 2009-2011: training, intensive technical assistance, funding, and data collection.

1. Training:

The DMC subcommittee developed the *Rites of Passage- Passport to Cultural Competency* curriculum and training. Statewide trainings were conducted in 2010. Nebraska's State Advisory Group and DMC Training and Planning Session was held in Omaha, Nebraska on July 21, 2010. Training was requested to support Disproportionate Minority Contact (DMC) efforts in Nebraska. The request was to both more deeply familiarize DMC members with the concepts around DMC and to provide a template for strategic planning to ensure movement in DMC.

In the local jurisdiction of Douglas Lancaster and Sarpy county several trainings have been held to determine the readiness of such efforts as the Burns Institute and Annie E. Casey Foundation to determine the readiness of such jurisdictions on the drive toward undertaking DMC issues. The trainings assisted Douglas and Sarpy counties in becoming JDAI sites.

May 6-8, 2009 the first DMC/NJJA (Nebraska Juvenile Justice Association) Conference was held in Grand Island, Nebraska. The conference titled: *Nebraska's Youth: Respecting Differences...Creating Positive Change* was an opportunity for law enforcement, probation officers, diversion and truancy workers, judges, child welfare workers, and additional juvenile justice workers to learn about DMC issues. Presenters included national and state experts, including the State Representative, Andrea Coleman.

2. Intensive Technical Assistance:

Over the past year, the DMC coordinator has been active in assisting and attending DMC Subcommittee meetings and DMC Local Committee meetings in Douglas, Lancaster, and Dawson counties. These committees have continued to include DMC as a priority in their local comprehensive juvenile services plan.

Lancaster County has a subcommittee looking at local DMC initiatives. They began by looking at each point in the system and the data collected by the previous and current DMC coordinators. They have been able to implement a minimal cost solution to a problem with juvenile warrants and addressing the issue of minimal minority staffing in youth serving agencies. They also continue to expand and enhance their diversion and graduated sanctions programs, which has impacted DMC in some areas. They continue to meet and provide monthly trainings for their members.

3. *Funding:*

Funding has been focused on programs in DMC counties.

Based on evaluation data, most counties were finding that a large percentage of youth not signing up for diversion were minority youth. They set out to determine what the barriers were for these youth and work to get them into diversion. This program has become a stable component of the county's diversion program and they have assumed full funding of the program. Other areas of the state plan, particularly diversion and alternatives to detention, while not solely focused on DMC have an impact on DMC in communities. As data collection improves, particularly for diversion, enhanced documentation of how these programs have had an impact is expected. The Coalition will continue to support funding for these programs. In the previous 3 year plan Diversion was a priority. The state has significantly impacted this contact point with the help of funding Diversion programs in all of the DMC counties.

In 2010, the Nebraska Coalition for Juvenile Justice, through the recommendation of the DMC subcommittee, decided to utilize Title V funds to focus on DMC initiatives. Three counties (Dawes, Buffalo, and Lancaster) were funded for programs and services to impact DMC issues. In 2009, Douglas and Dawson Counties received Title V funds. In 2010, Douglas, Lancaster and Platte Counties received Title V funds. Sarpy, Douglas, and Lancaster receive JABG funds and Title II grants.

4. *Data collection:*

Previously, data was collected on all of the fourteen (14) identified counties with the most significant minority population and provide data to counties who request technical assistance. However several of the county's population size would not justify the amount of volume needed to properly assess any DMC issues. Thus, it was decided that the number of counties collecting DMC data will be reduced. It was determined to be ineffective to seek DMC data on smaller counties when the county is not diverse with very small contact point numbers. The DMC planning and efforts in local communities are driven by the data we collect in the matrix. The matrix will also be implemented in the county planning efforts through the Crime Commission, not only to assess DMC but to help counties at each decision point in the system. The data issues we have encountered were described above. Nebraska will also look for additional tools, such as checklists, to utilize when reviewing grants for funding. DMC questions or issues will always be addressed or discussed as to how this program or grant request will assist all in ensuring equal and fair treatment for every youth in the juvenile justice system, regardless of race and ethnicity. The DMC committee will also make it a goal to create a model data collection system that will give credibility to all facets of the justice system to be able to address some of the previous barriers discussed.

DMC Reduction Plan for FY 2014-2016

1. Data Collection and Information System Improvement

The DMC coordinator, DMC Subcommittee, and JJ Specialist will work to rectify data collection issues occurring across the state. As a recommendation in the state DMC assessment, and discussed above, the capturing of DMC data at different points of the system will be a major priority in the state. We will develop a model data collection system that all facets of the juvenile justice system can feel confident in the validity of the data. The following activities will be the foundation of improving data collection starting 2012:

- Establishing a statewide understanding of the common definitions used to describe contact points in the Juvenile justice system.
- Encourage individual communities to formulate separate DMC committees and establish their own common definitions in respect to what will be established statewide.
- Encourage individual communities to identify the best data collection system and how to best utilize it
- Identify particular gaps in the data collection system and un-captured data and encourage the remedies to such shortcomings
- Identifying all entities from which data is collected and the specific issues related to data collection. Prioritizing and addressing data issues that can be easily fixed first followed by those that will take more collaboration (DMC Coordinator, JJ Specialist, DMC Subcommittee – on-going).
- Supporting efforts put forth by the Minority Justice Committee in standardizing race/ethnicity data collection through the courts (DMC Coordinator and DMC Subcommittee member, who serves on the Minority Justice Committee).
- Posting the DMC matrix data on the Crime Commission and Juvenile Justice Institute websites
- Hosting a statewide DMC Conference or retreat annually

2. Education

It is necessary to continue to educate stakeholders and the community about DMC issues. Education initiatives will continue from the previous plan by arranging training opportunities at every point in the system: law enforcement training center, County Attorney's Association meetings, Judges meetings, initial and ongoing probation officer training, Drug Courts, Juvenile Detention, Jails, Office of Juvenile Services/YRTC facilities. Other education/training initiatives include highlighting successful programs/interventions in statewide newsletters, on the Crime Commission website, etc. One particular component that is lacking in the state is the collaboration or engagement of more community members and stakeholders. The following activities will be the foundation of improving education starting 2012:

- Scheduling presentations at the different system point locations listed above. DMC brochure will be completed to provide initial awareness of DMC issues (DMC Coordinator).
- Scheduling local training upon request (DMC Coordinator).
- Developing articles to include in various newsletters statewide (DMC Coordinator and subcommittee).
- Developing a DMC section on the Crime Commission website (DMC Coordinator and subcommittee, JJ Specialist).
- Presenting at statewide conferences upon request (DMC Coordinator, subcommittee, JJ Specialist).
- Continuing all education and training efforts listed above.
- Present DMC issues and opportunities to impact DMC at local community events and sites
- Conducting stakeholder meetings and attending local DMC Committee meetings in the communities where DMC data is collected (DMC Coordinator, JJ Specialist).

- Forwarding information to DMC committee members for distribution to their full membership. Information such as Annie E Casey articles, Burns Institute publications, JDAI helpdesk info, etc. (JJ Specialist).

3. Local/State Initiatives

Technical assistance to communities wanting to impact DMC issues at the local level will continue to be provided. To further engage communities– the DMC Coordinator and JJ Specialist will be pro-active in contacting counties. Both the DMC Coordinator and JJ Specialist will offer to conduct presentations about DMC, local issues, help develop DMC subcommittee’s, and work to identify local programs/policies/services, which will impact the area of disproportionately. Title V funds are designated for local DMC initiatives. DMC is also a priority area of funding for local initiatives in Title II and Juvenile Services applications. DMC data is also required in JABG applications. Programs or agencies wishing to apply for Crime Commission funding have asked for information and additional explanations or information concerning DMC during the application process.

The collaboration with the Burns Institute has started some facilitation of some key DMC issues that will further move toward solutions in key DMC issues. Currently the work group has been formulated to looking into a small portion of the detention population that is failing to appear in court with no major law violations. JDAI has already started several subcommittees focused on Data, Alternatives to detention, Admissions and DMC. This work group has already started key work in assessing how effectiveness of the state YLS screening instrument. The work group has set a retreat to revamp the current Screening tool to be more effective and assurance of the absence of implicit bias.

Currently the JJ Specialist and DMC Coordinator have attended and will be attending counties identified as DMC Counties. They attend DMC Committee meetings as well as present educational/training information to county board members, law enforcement officials, and diversion or after-school program administrators. The DMC Coordinator attends a local DMC committee at least monthly.

Materials provided to individuals/families or the judicial systems have been translated into several languages, including Spanish, Vietnamese, Sudanese, and Arabic.

Platte County has utilized Title II and Title V funding to expand their juvenile diversion programming to assist Hispanic youth. They have retained a bi-lingual diversion worker to assist with their diversion curriculum and communicate with the parents/guardians of their juveniles. They have also utilized their County Aid grant dollars to contract several interpreters to assist in translation with the growing Hispanic population.

Reducing Racial and Ethnic Disparities is a core strategy of the Juvenile Detention Alternative Initiative (JDAI) being implemented in Nebraska. Local sites and the state work are working to ensure that all JDAI work is viewed through a racial and ethnic disparity lens, realizing that this issue impacts the whole juvenile justice system. The Douglas County site is currently focusing their targeted work on youth of color being detained on warrants. The work groups are looking at this issue from a variety of lens’s including case processing, runaway concerns and alternatives to detention. Nebraska Probation is currently evaluating the statewide risk assessment tool used at intake, a piece of this evaluation will look at any issues regarding DMC.

Phase IV Evaluation

There is not a formal DMC evaluation plan at this time. With the completion of the DMC state assessment key recommendations have been noted.

The DMC coordinator plans on working with the JJ specialist in the development of grants that are received. The goal is to include more accountability in the grants that are awarded so we can effectively evaluate the programs that are impacting DMC issues.

Efforts will continue with Douglas County, more specifically with their detention assessment and efforts for alternatives to detention placement; the Juvenile Assessment Center and youth being referred to alternative programming such as diversion, afterschool programs, etc.

All grants that are received from the Crime commission are monitored however the process can be greatly enhanced to account for the successes and shortcoming of the programs we use to assist in the reduction of DMC

- The DMC coordinator and DMC subcommittee will continue to monitor and support efforts going on in Douglas, Lancaster and Sarpy counties; as well as other counties which request assistance.
- The DMC coordinator meet stakeholders in those counties, begin presenting data and helping develop DMC committee's locally, and assist counties in developing specific strategies. Where applicable, counties will be encouraged to access Title V and Title II funds. Communities receiving technical assistance will be encouraged to be involved in the state subcommittee and will be asked to come provide information to the state subcommittee.

Youth who are in need of a higher level of treatment will be provided with the level of care they need, not what is readily available. Conversely, youth needing a lower level of treatment or programming will be provided with what is best for them. The best method to track success will be the outcomes for each individual youth. Recidivism rates for individuals will be checked within each program in which they are participating. Communication and contact with individual providers will be essential. This will be discussed and built into any evaluation component(s) of our overall assessment to be completed within the next three (3) years.

Phase V Monitoring

The DMC Coordinator and JJ Specialist will use the following strategies with regard to monitoring:

- Continuing to provide technical assistance in counties and monitor local initiatives.

We will continue to work with OJJDP, Burns Institute and JDAI on the best practices available in monitoring DMC and evaluation of policies and programming.

Coordination of Child Abuse and Neglect and Delinquency Programs

A. Reducing Probation Officer Caseloads

The Probation Administration in Nebraska is a state function. Probation officers are located locally in districts across the state; the state agency has a set budget for the number of full time officers they are able to hire. Therefore, grant funds could not be used for this purpose. While there are no caseload standards in statute, probation's policy is to assign caseloads based on the risk level of the clients. Officers specializing in higher risk youth have lower caseloads, while officers managing lower risk youth have more youth on their caseloads. This caseload assignment process is based on evidence based research that over supervising low risk youth can lead to more harm, and that efforts are resources are better spent on high risk clients. The Crime Commission supports any efforts that can be made to assist officers in reducing caseloads, however, with the limited amount of funds available it is necessary to stay focused on the priorities indicated in the plan.

The Crime Commission may impact the issue of caseload indirectly by supporting juvenile diversion programs and other early intervention and alternative to detention programs. The administrator of Probation is a member of the NCJJ and is committed to implementing standardized screening and assessment. This may impact probation caseloads by ensuring that the right juveniles are entering the right parts of the system.

B. Sharing Public Child Welfare Records with Juvenile Courts

The following information is provided from Nebraska State Statute and policies of the Health and Human Service agency. The state is working on a statewide juvenile information sharing system that will consider this issue. A recent Governor's Task Force on youth in the child welfare system has also made recommendations to look at how to better share data. Both efforts will work closely together to develop the best possible strategies to enhance what already exists in statute and policy.

Pursuant to Nebraska State Statute 43-282, "If a petition alleging a juvenile to be within the jurisdiction of the Nebraska Juvenile Code is filed in a county other than the county where the juvenile is presently living or domiciled, the court, at any time after adjudication and prior to final termination of jurisdiction may transfer the proceedings to the county where the juvenile lives or is domiciled and the court having juvenile court jurisdiction therein shall thereafter have sole charge of such proceedings and full authority to enter any order it could have entered had the adjudication occurred therein. All documents, social histories, and records, or certified copies thereof, on file with the court pertaining to the case shall accompany the transfer."

According to HHS policy 1-007.05, when a juvenile court petition has been filed on behalf of the child or a child is committed to the custody of the Department, information about the child and family may be released to the appropriate court, county attorneys, court-appointed special advocate and guardian ad litem.

C. Establishing Policies and Systems to Incorporate Child Protective Services Records into Juvenile Justice Records

According to HHS policy, in the State of Nebraska, Child Welfare Services, Office of Juvenile Services and the Juvenile Institutions are all combined. All services and programs are one in the same. HHS Policy applies to all services and programs. All child welfare records, child protective services records, and juvenile justice records are shared internally by HHS personnel. Each HHS Protection and Safety Worker will consult with other HHS personnel to share case history and to determine how to best serve the needs of the youth. All case management information is recorded on the HHS- N-FOCUS Data Information System. All HHS personnel have access to this system.

To address the issue of case plans for those youth funded through Section 472 of the Social Security Act, according to HHS policy 8-001.11, for Child Welfare Adjudications, "At least every six months after the first dispositional hearing, the worker will prepare a written case plan and court report for the court and all other interested parties concerning the family and child using the Department's designated format. Between dispositional reviews, Department staff will notify the court and all interested parties, including tribal authorities if appropriate, of all significant decisions made regarding the child's placement. "(Statutory Reference: Neb. Rev. Stat. 43-285)

For children with Juvenile Offender Adjudications, policy states, "In cases of a juvenile adjudicated as a delinquent and placed in the custody of HHS-OJS at a disposition hearing, the following court processes will

apply: Court reviews will be held for any juvenile offender committed to HHS-OJS when in an out of home setting, other than a YRTC, every six months or at the request of the juvenile offender.”

HHS Policy 5-004.02 states the following about case planning for child welfare cases and juvenile services cases, “A written case plan will be developed following the assessment of family or child’s needs. Case plan evaluation and revision will then occur at least every six months. A written court report incorporating the elements of the case plan will be submitted to the court...in juvenile services cases, a written case plan will be developed following the assessment for children at home or in out of home care.”

Family-Driven Care

In the past twenty-five years the mental health field has shifted from viewing parents as the cause of their child’s issues to active participants in treatment and active participants in policy development and system reform efforts. Research shows that better outcomes are achieved when family members and youth have meaningful roles in their treatment.

Family-driven care has advanced in the child and youth mental health system in America and next steps are needed to further develop the ability of families to become true partners in treatment planning, service and system development, enhance research as to the effectiveness of these activities and reform policies and practices to reflect needs of families

Family driven means families have a primary decision making role in the care of their own children as well as the policies and procedures governing care for all children in their community, state, tribe, territory and nation. This includes:

- Choosing culturally and linguistically competent supports, services, and providers;
- Setting goals;
- Designing, implementing and evaluating programs;
- Monitoring outcomes; and
- Partnering in funding decisions.
- Making the family the center of attention
- Strengthening the capacity of families
- Linking families to comprehensive culturally relevant and community based supports and services both formal and informal

Source: <https://nefamilies4kids.org/family-driven-care/>

Crossover Youth Practice Model

The Partnership

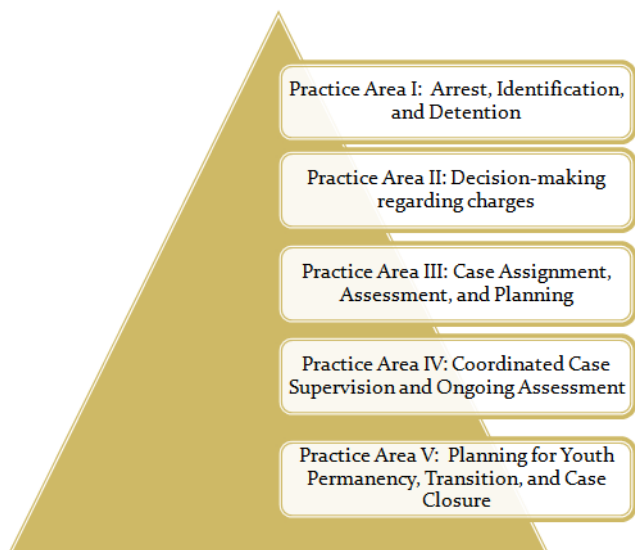
Casey Family Programs and the Center for Juvenile Justice Reform at the Georgetown University Public Policy Institute (CJJR) have partnered since 2007 to address the unique issues presented by children and youth who are known to both the child welfare and juvenile justice systems. These young people, often referred to as “crossover youth,” move between the child welfare and juvenile justice systems, or are known to both concurrently. A disproportionate number of them are youth of color and girls, and the population as a whole generally requires a more intense array of services and supports than other youth known to each system individually. While the exact number of crossover youth may vary across jurisdictions, research has established that youth who have been maltreated are more likely to engage in delinquent behavior. Research also finds this population often tends to utilize more deep-end services once in Juvenile Justice. The work undertaken in this partnership is designed to improve outcomes for youth who have the potential to or have already crossed-over.

The Practice Model

Based on this cumulative and growing body of knowledge, CJJR has developed a practice model that describes the specific practices that need to be in place within a jurisdiction in order to reduce the number of youth who crossover between the child welfare and juvenile justice systems, the number of youth entering and reentering care, and the length of stay in out of home care.

Five Counties within Nebraska have been identified as sites for The Crossover Youth Practice Model (CYPM). Douglas County began as a site in 2012, with Gage, Lancaster and Dodge Counties joining in 2014. In 2015, Sarpy County will begin their CYPM. These five sites encompass the largest population of crossover youth within our state, and represent both metro and rural areas. As each site develops and implements their model they will progress through five practice areas.

The following depicts the five areas of the practice model that will be implemented in each of the sites:



The Crossover Youth Practice Model infuses into each site values and standards; evidence-based practices, policies and procedures; and quality assurance processes. Sites are provided a template for how they can immediately impact how they serve crossover youth and rapidly impact outcomes. This template provides a mechanism whereby site agencies strengthen their organizational structure and implement or improve practices that directly affect the outcomes for crossover youth. This will include but is not limited to the following practices: the creation of a process for identifying crossover youth at the point of crossing over, ensuring that workers are exchanging information in a timely manner, including families in all decision-making aspects of the case, ensuring that foster care bias is not occurring at the point of detention or disposition, and maximizing the services utilized by each system to prevent crossover from occurring.

Benefits of Institutionalizing a Practice Model

Nationwide, jurisdictions that have implemented a practice model have found this more effective than other change models for several reasons:

- 1) The prescriptive nature of the practice model provides staff with a road map for what practice should look like - case opening to case closure - and reduces ambiguity about the specific directions the agency needs to take;
- 2) Because practice models include predominantly evidence-based practices, the approach removes some of the internal tension about whether or not a new practice will actually work, as evidence suggests that it will;
- 3) A strong practice model embeds values and principles into the practice changes – supporting the culture changes that many leaders desire to make in organizations; and
- 4) A practice model involves staff from all levels of the agency in the planning and execution of the work.

Technical Assistance

Each practice model site is granted a substantial level of technical assistance. Two consultants are assigned to work with each site individually. While most of the practice model work is individualized and tailored by the implementation teams within each site, the consultant team provides direct engagement opportunities to assist and support them. This is accomplished through in-person site visits, facilitation of collective site meetings, site conference calls, as well as individual phone consultation. Data collection is also an important component of this work, with each phase of the practice model including the use of data to make policy and practice decisions. Each site will receive technical assistance specifically related to the use of data.

All consultation work is conducted by CJJR staff and faculty, and is coordinated by the Office of Probation Administration. CJJR direct site consultation is planned through 2015. Through their support, and the work of the CYPM sites, core strategies will be identified to allow for the creation and sustaining of CYPM principals throughout the remaining counties in Nebraska.

6. Collecting and Sharing Juvenile Justice Information

Description of the state's process for gathering juvenile justice information and data across state agencies

Currently, Nebraska relies on subgrantee's quarterly activity reports to receive program information. All subgrantees submit federal measures along with a narrative report on the status of their program. In addition, subgrantees submit updated data when applying for grants along with a 3-year juvenile justice comprehensive plan.

As part of Nebraska's federal Three-Year Plan, it is a priority to have statewide access to appropriate services, such as, detention, mental health, substance abuse, and violence issues if necessary. Nebraska has a statewide data portal called the Nebraska Criminal Justice Information System (NCJIS). With NCJIS, information regarding juvenile and adult jail arrests, jail and juvenile detention booking records, background checks, probation information, probation juvenile intake information, protection orders, warrants, and court citations is accessible.

Nebraska's Web-enabled Juvenile Diversion Case Project Management Project (JDCMS) has enhanced data collection, data sharing, and accountability and has increased Nebraska's system of juvenile records designed to promote public safety. JDCMS addresses Performance Area #10 by establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice systems to make better informed decisions. The web-enabled system has enhanced county-level access to youth who have enrolled in juvenile diversion. Although the State currently has a number of counties (40+) entering data in the web-enabled systems, three larger counties were unable to migrate their data into the State System. This system enabled the migration of this data and enhanced the overall data collection system. Data has been gathered at the county level. The system enhanced accountability by increasing the number of county attorneys utilizing the system and accessing data before referring a youth to juvenile diversion.

Sub award Selection

The Crime Commission grant procedures are clearly outlined in Operating Instructions and are available at www.ncc.state.ne.us this is the standard process we use for all state and federal grants awarded through the Crime Commission. Applicants are required to apply every year, continuation funding is not guaranteed. An applicant is awarded continuation funding based on proper grant management and meeting the goals and objectives of the grant program. The JJ Specialist conducts annual program site visits and the Crime Commission has hired a full-time Financial Administrator to conduct financial monitors of all grant funded programs. The Crime Commission works with programs to ensure success. Subgrantees not meeting goals and objectives will not be granted continuation funding. If at any time a program is mismanaging funds, funds are immediately suspended pending investigation.

Potential applicants are provided the model programs website as part of the application kit. Through the process of working with counties in developing comprehensive juvenile service plans, the utilization of model programs is strongly encouraged.

The Grant Award process for FY 2014 has been completed and information in the certified assurances section did include priority funding to evidence-based programs and activities. We plan on including this language in our upcoming FY2015 certified assurances for Title II.

FUNDING PRIORITIES

The Title II formula grant program requires each state to develop a Three Year Statewide Plan that addresses the four core requirements as well as other juvenile issues in the state. As part of Nebraska's Three Year Statewide Plan for 2012-2014, the NCJJ identified the following areas that will be given Priority funding consideration to insure the state remains in full compliance with the Federal JJDP Act as well as address key juvenile issues. These key issues were identified through input from Practitioners, past state reports and studies, and the Comprehensive Juvenile Services Plans submitted by Counties across the State. The NCJJ has a strong interest in funding research/evidence based programs, however, new program ideas will be considered.

Due to the limited funds available, the NCJJ develops priorities for all funding streams, which are laid out in the 2012-2014 Three Year Statewide Plan. The NCJJ will give first priority to prevention related programs followed by alternatives to detention and community based programs. Refer to the link <http://www.dsgonline.com/> to see the variety of programs under the headings of prevention, immediate sanctions, intermediate sanctions, residential, and reentry. The NCJJ has a strong interest in funding model, best practice, evidence based or promising practice programs, however, new program ideas will be considered.

Geographic Information

The Nebraska Crime Commission is committed to meeting the requirements of funding including the Geographic information required. All applicants are required to list their address on their application, from that we will compile the information needed.

SAG Membership

The Nebraska Coalition for Juvenile Justice serves as an advisory committee to the Nebraska Crime Commission. Membership on the committee is established in Nebraska Statute and reflects the requirements of the JJDP Act. Please refer to the following page for a full listing of Nebraska's State Advisory Group Membership. Please reference the **Nebraska SAG Membership** attachment to view the appointment dates of all members on the Nebraska State Advisory Group.

The Nebraska SAG is not a Supervisory Group, but an Advisory Group.

The following Nebraska SAG members are full-time government employees:

Judge Vernon Daniels
Chris Rodgers
Judge Reggie Ryder
Amanda Speichert
Jeanne Brandner
Scott Swisher
Judge Kent Turnbull
Elaine Menzel

NEBRASKA COALITION FOR JUVENILE JUSTICE

CHAIRPERSON

Cassandra Blakely

Youth Member
Lincoln

VICE CHAIRPERSON

Elaine Menzel

Association of County Officials
Lincoln

MEMBERS

Darrell Fisher

Crime Commission Executive Director
Lincoln

Tony Green

Juvenile Services Director
Lincoln

Brett Matthies

Nonprofit District 2
Omaha

Dan Scarborough

YRTC
Geneva

Mark Benne

Staff Secure Facility-Director
Columbus

Judge Kent Turnbull

County Judge
North Platte

Kara Brostrom

Youth Member
Grand Island

Nicola Variano

Youth Member
Omaha

Scott Swisher

Department of Education
Lincoln

Timothy Dempsey

Data Analysis
Omaha

Amanda Speichert

Public Defender
Grand Island

Chris Rodgers

County Commissioner
Omaha

Daniel Lynch

Police Chief
Kearney

Tiffany Gressley

Youth Counselor
Pleasanton

Judge Reggie Ryder

Additional Member
Lincoln

Denise Kracl

County Attorney
Colfax

Nola Bennett

Nonprofit District 1
Lincoln

Kim Hawekotte

Foster Care Review Board
Lincoln

Rachel Cross-Grothe

Volunteers working with Juveniles
Craig

Brady Brewster

Youth Member
Lincoln

Jeanne Brandner

Probation Administration
Lincoln

Michelle Schindler

Crime Commission
Lincoln

Heather Dulachek

Mental Health
Elkhorn

Judge Vernon Daniels

Juvenile Court Judge
Omaha

Neleigh Boyer

HHS Rep
Lincoln

Ron Johns

Secure Youth
Gering

Kathy Seacreast

Region II Human Services
North Platte

1. Formula Grants Program Staff

The Grants Division of the Crime Commission oversees the following programs: Title II Formula Grant, Title V Community Prevention Grant, Juvenile Accountability Block Grant, State Juvenile Services, County Juvenile Services Aid Program, Violence Against Women Act Grant, Victims of Crime Act Grant, John R. Justice, Justice Assistance Grant, Residential Substance Abuse Treatment Grant, VOCA ARRA, JAG ARRA and VAWA ARRA.

The Juvenile Justice Specialist is responsible for managing the grant process for Title II, JABG, and State Juvenile Services. (Following LB 561 the position of Community Aid Administrator was established to monitor all Community-Based funds). This includes developing the RFP, technical assistance, reviewing proposals, facilitating grant review meetings, providing grant management training, and conducting on-site monitoring of subgrantees. The specialist coordinates the activities of the Nebraska Coalition for Juvenile Justice. The specialist applies for all federal funding from OJJDP and submits related reports. In addition, the specialist works with juvenile justice professionals across the state on juvenile justice initiatives, trainings, and systems improvement projects.

The Compliance Monitor/DMC position at the Crime Commission is responsible for 1) Juvenile compliance monitoring to include, but not limited to: monitoring of juvenile and criminal justice agencies across the state to ensure compliance with federal requirements, state law and guidelines relating to the holding of juveniles in secure facilities; conduct training regarding compliance monitoring requirements for various criminal and juvenile justice personnel; daily review of computerized admission/release records; on-site monitoring of secure facilities; preparation of reports. 2) Serve as the staff person responsible for coordinating the State's efforts to address disproportionate minority youth involvement in and contact with the juvenile justice system and to ensure compliance with Section 223(a)(22) of the Juvenile Justice and Delinquency Prevention Act as amended in 2002.

The Juvenile Justice Specialist is responsible for Title II and JABG. This position applies for and administers Title II and JABG federal funds. This position administers activities of the SAG by insuring its membership is appropriate according to statute; arranges; attends and presents information at quarterly meetings; establishes meeting agendas; arranges meetings and compiles information with the Executive Committee; prepares reports and information for the SAG; coordinates any travel for members; and arranges, attends and prepares information for meetings of Coalition sub-committees. This position also develops the three year Juvenile Justice State Plan and Governor's annual report. The Juvenile Justice Specialist oversees subgrantees and provides technical assistance as needed.

The following is a breakdown of staff of the formula grants program:

<u>Employee</u>	<u>Title</u>	<u>JJDP Activities</u>		<u>Responsibilities</u>
		<u>% Time</u>	<u>%Salary OJJDP</u>	
Darrell Fisher	Executive Director, FTE	25%	25%	Overall supervision of the agency
Lisa Stamm	Grants Division Chief, FTE	10%	0%	Oversight of Juvenile Grants
Bruce Ayers	Budget Division Chief, FTE	25%	25%	Financial status reports, budget
Vanessa Humaran	Juvenile Justice Specialist, FTE	100%	100%	Administer Juvenile Grants Programs
Derek Jones	Compliance Monitor, FTE	100%	100%	Monitor compliance for JJDP Act
Mike Overton	Information Services Chief, FTE	15%	0%	Collect, analyze and publish juvenile data
Mary Thomason	Accountant, FTE	25%	25%	Process grant payments
Stephanie Booher	Staff Assistant, FTE	50%	50%	Coordinate meetings, grant files/process
Kristy Nguyen	Staff Assistant, FTE	20%	0%	Grant correspondence